

Exhibit C

FILED
KING COUNTY, WASHINGTON

JUN 15 2018

JUN 15 2018

SUPERIOR COURT CLERK
BY Kamryn Bettelon
DEPUTY

COPY TO COUNTY JAIL

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

CHARLES EDWIN PILLON,

Defendant.

No. 16-1-05983-6 KNT

JUDGMENT AND SENTENCE

FELONY (FJS)

See Non-Felony J&S for Count III

I. HEARING

I.1 The defendant, the defendant's lawyer, Defendant Pro Se, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: _____

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 **CURRENT OFFENSE(S):** The defendant was found guilty on 04/19/2018 by Bench Trial of:

Count No.: 1 Violation of the Hazardous Waste Management Act

RCW: 70.105.085(1)(b)

Crime Code: 08221

Date of Crime: 12/15/2015 – 2/25/2016

Count No.: 2 Crime: Wrecking Motor Vehicles Without A License with a Previous Conviction

RCW: 46.80.020(2)(b)

Crime Code: 07759

Date of Crime: 12/15/2015 – 2/25/2016

☐ Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S):

- (a) ☐ While armed with a **firearm** in count(s) _____ RCW 9.94A.533(3).
 (b) ☐ While armed with a **deadly weapon** other than a firearm in count(s) _____ RCW 9.94A.533(4).
 (c) ☐ With a **sexual motivation** in count(s) _____ RCW 9.94A.835.
 (d) ☐ A V.U.C.S.A. offense committed in a **protected zone** in count(s) _____ RCW 69.50.435.
 (e) ☐ **Vehicular homicide** ☐ Violent traffic offense ☐ DUI ☐ Reckless ☐ Disregard.
 (f) ☐ **Vehicular homicide** by DUI with _____ prior conviction(s) for offense(s) defined in RCW 46.61.5055, RCW 9.94A.533(7).
 (g) ☐ **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.128, .130.
 (h) ☐ **Domestic violence** – intimate partner as defined in RCW 9A.36.041(4) and RCW 10.99.020 was pled and proved for count(s) _____.
 (i) ☐ **Domestic violence (other)** as defined in RCW 10.99.020 was pled and proved for count(s) _____.
 (j) ☐ Current offenses **encompassing the same criminal conduct** in this cause are count(s) _____ RCW 9.94A.589(1)(a).
 (k) ☐ **Aggravating circumstances** as to count(s) _____:

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

☒ Criminal history is attached in **Appendix B**.

☐ One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
I	2	unranked	0-12 months		0-12 months	5 YRS and/or \$10,000
II	2	unranked	0-12 months		0-12 months	5 YRS and/or \$10,000

☐ Additional current offense sentencing data is attached in **Appendix C**.

2.5 EXCEPTIONAL SENTENCE

☐ Findings of Fact and Conclusions of Law as to sentence above the standard range:

Finding of Fact: The jury found or the defendant stipulated to aggravating circumstances as to Count(s) _____

Conclusion of Law: These aggravating circumstances constitute substantial and compelling reasons that justify a sentence above the standard range for Count(s) _____. ☐ The court would impose the same sentence on the basis of any one of the aggravating circumstances.

☐ An exceptional sentence above the standard range is imposed pursuant to RCW 9.94A.535(2) (including free crimes or the stipulation of the defendant). Findings of Fact and Conclusions of Law are attached in Appendix D.

☐ An exceptional sentence below the standard range is imposed. Findings of Fact and Conclusions of Law are attached in Appendix D.

The State ☐ did ☐ did not recommend a similar sentence (RCW 9.94A.480(4)).

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and **Appendix A**.

☐ The Court **DISMISSES** Count(s) _____.

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

- [] This offense is a **felony firearm offense** (defined in RCW 9.41.010; includes any felony committed while armed with a firearm, unlawful possession of a firearm, theft of a firearm, and possession of a stolen firearm). **Registration is required** because this offense or an offense committed in conjunction with this offense: involved sexual motivation; was committed against a child under 18; or was a serious violent offense. As mandated by RCW 9.41.330(3), the Court requires that the defendant register as a firearm offender, in compliance with RCW 9.41.333. The registration requirements are explained in the attached **Appendix L**.
- [] This offense is a **felony firearm offense** (defined in RCW 9.41.010; includes any felony committed while armed with a firearm, unlawful possession of a firearm, theft of a firearm, and possession of a stolen firearm) but does not fall within a category mandating registration. Having considered relevant factors, including criminal history, propensity for violence endangering persons, and any prior NGRI findings, the Court orders that the defendant register as a firearm offender, in compliance with RCW 9.41.333. The registration requirements are explained in the attached **Appendix L**.

4.1 RESTITUTION, VICTIM ASSESSMENT, AND DNA FEE:

- ☐ Defendant shall pay restitution to the Clerk of this Court as set forth in attached **Appendix E**.
- ☐ Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(5), sets forth those circumstances in attached Appendix E.
- ☒ Restitution to be determined at future restitution hearing on (Date) 11/30/18 at 8:30 a.m.
- ☐ Date to be set.
- ☐ Defendant waives right to be present at future restitution hearing(s).
- ☐ Restitution is not ordered.

★ Defendant shall pay **Victim Penalty Assessment** in the amount of \$500 (RCW 7.68.035 - mandatory). ★

Defendant shall pay **DNA collection fee** in the amount of \$100 (RCW 43.43.7541 - mandatory).

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) ☐ \$_____, Court costs (RCW 9.94A.030, RCW 10.01.160); ☒ Court costs are waived;
- (b) ☐ \$_____, Recoupment for attorney's fees to King County Public Defense Programs (RCW 9.94A.030); ☒ Recoupment is waived;
- (c) ☒ \$ 10,000, Fine; ☐ \$1,000, Fine for VUCSA ☐ \$2,000, Fine for subsequent VUCSA (RCW 69.50.430); ☐ VUCSA fine waived;
- (d) ☐ \$_____, Other costs for: _____

☐ Defendant has stipulated to his or her ability to pay legal financial obligations ordered.

4.3 PAYMENT SCHEDULE: The **TOTAL FINANCIAL OBLIGATION** set in this order is \$ 10,600 + rest ^{10,600* restitution}

Restitution may be added in the future. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☒ Not less than \$ 300 per month;

☒ On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

☐ Interest is waived except with respect to restitution. RCW 10.82.090(2).

* Total fine imposed is \$15,000
(\$5,000 for each count (3 counts)
of conviction. See non-felony
J+S)

4.4 **CONFINEMENT ONE YEAR OR LESS:** Defendant shall serve a term of confinement as follows, commencing: ☐ immediately; ☒ (Date): 7-6-18 by 5:00 ~~am~~ p.m.:

30 months/days on count I; _____ months/days on count _____; _____ months/days on count _____;
30 months/days on count II; _____ months/days on count _____; _____ months/days on count _____.

This term shall be served:

- ☒ in the King County Jail or if applicable under RCW 9.94A.190(3) in the Department of Corrections.
☐ in King County Work/Education Release (W/ER) subject to conditions of conduct ordered this date.
☐ Defendant shall report to and participate in Enhanced CCAP if not working while in W/ER.
☐ in King County Electronic Home Detention (EHD) subject to conditions of conduct ordered this date.
☐ For any burglary, before entering EHD, 21 days must be successfully completed in W/ER.
☐ _____ days of confinement shall be served in King County Community Work Program (CWP) subject to conditions of conduct ordered this date (may be simultaneous with EHD).
☐ This term is nine months or more; before entering CWP, defendant must serve a minimum of 30 days of total confinement.

☒ The terms in Count(s) No. I & II are ~~consecutive~~ concurrent.

This sentence shall run ☐ CONSECUTIVE ☐ CONCURRENT to the sentence(s) in cause _____

The sentence(s) herein shall run ☒ CONSECUTIVE ☐ CONCURRENT to any other term previously imposed and not referenced in this order.

Credit is given for time served in King County Jail or EHD solely for confinement under this cause number pursuant to RCW 9.94A.505(6): ☐ _____ day(s) or ☒ days determined by the King County Jail.
☐ Jail term is satisfied; defendant shall be released under this cause.
☐ Credit is given for days determined by the King County Jail to have been served in the King County Supervised Community Option (Enhanced CCAP) solely under this cause number.
☐ The court authorizes earned early release credit consistent with the local correctional facility standards for days spent in Enhanced CCAP.

ALTERNATIVE CONVERSION (RCW 9.94A.680): _____ days of confinement are converted to:

- ☐ _____ days/ hours community restitution (for nonviolent offenses only), to be completed by _____, 20____ ☐ under the supervision of the Department of Corrections; or if the defendant is not supervised by DOC, monitored by ☐ Helping Hands Program ☐ this court.
☐ A review hearing is set on _____, 20____, at _____ a.m./ p.m. in this courtroom.
☐ _____ days in Enhanced CCAP (for nonviolent, non-sex offenses only) subject to conditions of conduct ordered this date.
☒ Alternative conversion was not used because of: ☒ criminal history, ☐ failure(s) to appear,
☒ Other: ISSUES DISPLAYED AT TRIAL

4.5 ☐ **COMMUNITY CUSTODY** is ordered for a period of 12 months. The defendant shall report to the Department of Corrections within 72 hours of this date or of his/her release if now in custody; shall comply with all the rules, regulations and conditions of the Department for supervision of offenders (RCW 9.94A.704); shall comply with all affirmative acts required to monitor compliance; shall not possess any firearms or ammunition; and shall otherwise comply with terms set forth in this sentence.

☐ Appendix H, Additional Conditions is attached and incorporated.

4.6 ☐ **NO CONTACT:** For the maximum term of _____ years, defendant shall have no contact with _____

4.7 **DNA TESTING.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in **Appendix G.**

☐ **HIV TESTING:** For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in **Appendix G.**

4.8 ☐ **OFF-LIMITS ORDER:** (known drug trafficker) **Appendix I** is an off limits order that is part of and incorporated by reference into this Judgment and Sentence.

SEE AS WELL ADDITIONAL CONDITIONS OF SENTENCE

Date: 6.15.18

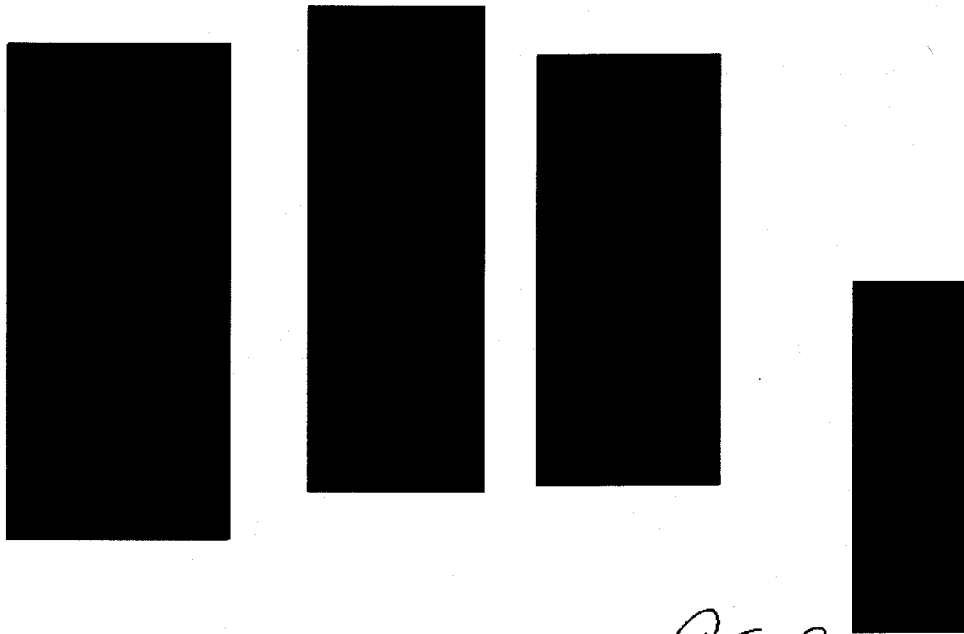
Julia Garratt
JUDGE
Print Name: Julia Garratt

Presented by: [Signature]
Assistant Attorney General, WSBA# 25987

Print Name: SCOTT A. MARLOW

Approved as to form:
[Signature]
~~Attorney for Defendant~~, WSBA#
Print Name: CHUCK PILLON

FINGER PRINTS



RIGHT HAND
FINGERPRINTS OF:
CHARLES EDWIN PILLON

DEFENDANT'S SIGNATURE:

Charles Pillon

DEFENDANT'S ADDRESS:

15753 S.E. REP. ISA ROAD
PENTON WA 98059

Dated: 6/15/2018

ATTESTED BY: BARBARA MINER,
SUPERIOR COURT CLERK

Julia Garcia
JUDGE

By: *[Signature]*
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, _____
CLERK OF THIS COURT, CERTIFY THAT THE
ABOVE IS A TRUE COPY OF THE JUDGMENT AND
SENTENCE IN THIS ACTION ON RECORD IN MY
OFFICE.
DATED: _____

S.I.D. NO.

DOB: 01/13/1941

SEX: Male

RACE: White/Caucasian

By: _____
CLERK
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

CHARLES EDWIN PILLON,

Defendant.

No. 16-1-05983-6 KNT

JUDGMENT AND SENTENCE,
(FELONY) - APPENDIX B,
CRIMINAL HISTORY

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.525):

Crime	Sentencing Date	Adult or Juv.	Cause Crime Number	Location
Malicious Mischief in the First Degree	09/04/07	A	06-1-12433-9	King

[] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):

Date: JUN 15 2018


JUDGE, KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

CHARLES EDWIN PILLON,

Defendant.

No. 16-1-05983-6 KNT

APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING(1) **DNA IDENTIFICATION (RCW 43.43.754):**

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at (206) 477-5003 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2) ☐ **HIV TESTING AND COUNSELING (RCW 70.24.340):**

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at (206) 263-2000 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: _____

JUN 15 2018


JUDGE, King County Superior Court

FILED
KING COUNTY, WASHINGTON

JUN 15 2018

JUN 15 2018

SUPERIOR COURT CLERK
BY Kamryn Bettelon
DEPUTY

COPY TO COUNTY JAIL _____

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

CHARLES EDWIN PILLON,

Defendant.

No. 16-1-05983-6 KNT

JUDGMENT AND SENTENCE,

NON-FELONY – Count(s)

☐ DEFERRING Imposition of

Sentence/Probation

☒ **SUSPENDING Sentence**

See Felony J&S re: Counts I and II

The Prosecuting Attorney, the above-named defendant, Pro Se, being present in Court, the defendant having been found guilty of the crime(s) charged in the Amended information on 04/19/2018 by Bench Trial and there being no reason why judgment should not be pronounced;

IT IS ADJUDGED that the defendant is guilty of the crime(s) of:

Count No.: 3 Unlawful Dumping of Solid Waste Without A Permit

RCW: RCW 70.95.030, 70.95.240

Crime Code: 08227

Date of Crime: 02/25/2015-02/25/2016

☐ For the crimes charged in Counts _____, domestic violence – intimate partner (RCW 9A.36.041(4) and RCW 10.99.020) was pled and proved.

☐ For the crimes charged in Counts _____, domestic violence (other) (as defined in RCW 10.99.020 and RCW 9.94A.030) was pled and proved.

IT IS ORDERED pursuant to RCW 9.95.200 and 9.95.210 that:

☐ the imposition of sentence against the defendant is hereby **DEFERRED** for a period of _____ months from this date upon the following terms and conditions:

OR

☒ the defendant is sentenced to imprisonment in the King County Jail, Department of Adult Detention, for 364 days on each count (maximum 364 days for gross misdemeanor), said term(s) to run ☐ concurrently ☐ consecutively with each other, and to run ☐ concurrently ☒ consecutively with ☒ count(s) 1 + 2 ☐ Cause No(s). _____ and the sentence (less any days of confinement imposed below) is hereby **SUSPENDED** upon the following terms and conditions:

(1) The defendant shall serve a term of confinement of 0 ☒ in the King County Jail, Department of Adult Detention, ☐ in King County Work/Education Release subject to conditions of conduct ordered this date, ☐ in King County Electronic Home Detention subject to conditions of conduct ordered this date, with credit for ☐ _____ days served ☐ days as determined by the King County Jail, solely on this cause, to commence no later

than _____. This term shall run ☐ concurrently ☐ consecutively with _____. This term shall run consecutive to any other term not specifically referenced in this order.

☐ Jail term is satisfied; defendant shall be released under this cause.

(2) ~~12~~ The defendant shall serve 24 months of probation supervised by the Washington State Department of Corrections (DOC) and comply with the standard rules and regulations of supervision. Probation shall commence immediately but is tolled during any period of confinement. The defendant shall report for supervision within 72 hours of this date or release date if in custody. If DOC declines to supervise, defendant shall be on unsupervised probation.

☒ The defendant shall be on unsupervised probation for 24 months, subject to the conditions of this sentence. ☐ A review hearing is set for _____ at _____ a.m./p.m. in this courtroom.

For the following crimes, if probation is ordered, DOC supervision is mandatory: (a) sexual misconduct with a minor in the second degree, custodial sexual misconduct in the second degree, communication with a minor for immoral purposes, or failure to register pursuant to RCW 9A.44.132(2); (b) a repetitive domestic violence offense where domestic violence was pled and proven after 8/1/2011, if the defendant has a prior conviction for either a felony domestic violence offense or a repetitive domestic violence offense, where domestic violence was pled and proven after 8/1/2011. RCW 9.94A.501.

DOC will not supervise any other nonfelony probation. RCW 9.94A.501(6).

(3) Defendant shall pay to the clerk of this Court:

- (a) ☐ Restitution is not ordered;
☐ Order of Restitution is attached;
☒ Restitution to be determined at a restitution hearing on (Date) 11-30-18 at 8:30 A.m.;
☐ Date to be set;
☐ The defendant waives presence at future restitution hearing(s);
- (b) \$ _____, Court costs;
- (c) \$ 00 * Imposed in felony J+S, Victim assessment, \$500 for gross misdemeanors and \$250 for misdemeanors (mandatory);
- (d) ☐ \$100 DNA collection fee (RCW 43.43.7541)(mandatory for crimes listed in paragraph 12);
- (e) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs;
- (f) \$ 5,000, Fine; \$ _____ of this fine is suspended upon the terms and conditions herein;

(g) TOTAL financial obligation set in this order is \$ 5,000* (TOTAL \$15,000 FOR ALL COUNTS); restitution may be added in the future.

The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☒ Not less than \$ 300.00 per month; ☐ On a schedule established by DOC if it has active supervision of the defendant, or by the county clerk. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested. ☐ Interest is waived except with respect to restitution.

(4) ☐ The defendant shall complete _____ community service hours ☐ at a rate of not less than _____ hours per month ☐ to be completed by (Date) _____. If DOC supervision is not ordered, this will be monitored by ☐ the Helping Hands Program ☐ this court.
☐ A review hearing is set on _____, 20____, at _____ a.m./ p.m. in this courtroom.

(5) ☐ The defendant shall complete _____ days of Community Work Program (CWP) subject to conditions of conduct ordered this date. (Communication with a minor for immoral purposes is not eligible.)

(6) ☐ The defendant shall attend the King County Supervised Community Option (Enhanced CCAP) subject to conditions of conduct ordered this date for a period of _____ days.

* plus ~~any~~ restitution in amount TBN

- (7) ☐ The defendant shall not purchase, possess, or use any ☐ alcohol ☐ controlled substance (without lawful prescription). The defendant shall submit to urinalysis and breath testing as required by DOC and submit to search of person, vehicle or home by a Community Corrections Officer upon reasonable suspicion of violation;
- (8) ☐ The defendant shall obtain a substance abuse evaluation and follow all treatment recommendations; _____
- (9) ☐ The defendant shall enter into, make reasonable progress and successfully complete a state certified domestic violence treatment program; _____
- (10) ☐ The defendant shall have no contact with: _____
- (11) ☐ The defendant shall have no unsupervised contact with minors.
- (12) ☐ The defendant shall have a biological sample collected for DNA identification analysis and shall fully cooperate in the testing, as ordered in Appendix G (for assault in the fourth degree with domestic violence pled and proved or with sexual motivation, harassment, stalking, communicating with a minor for immoral purposes, failure to register, custodial sexual misconduct in the second degree, patronizing a prostitute, sexual misconduct with a minor in the second degree, violation of a sexual assault protection order, or any other offense requiring registration under RCW 9A.44.130).
- (13) ☐ The defendant shall register as a sex offender.
- (14) The defendant shall commit no criminal offenses.
- (15) ☒ Additional conditions of probation are: SET FORTH IN ADDITIONAL
CONDITIONS OF SENTENCE form
- (16) ☐ Additional conditions are attached to and incorporated as Appendix ____.
- (17) ☐ The court dismisses Count(s) _____.

Date: 6.15.18

 Judge, King County Superior Court
Print Name: Julia Garratt

Presented by:


 Assistant Attorney General, WSBA # 25987
Print Name: SCOTT A. MARLOW

Form Approved for Entry:


 Attorney for Defendant, WSBA #
Print Name: CHUCK PILLOW

Defendant's current address:

15753 S.E. REN-ISA ROAD
RENTON WA 98059

FILED
KING COUNTY, WASHINGTON

JUN 15 2018

JUN 15 2018
COPY TO COUNTY JAIL

SUPERIOR COURT CLERK
BY Kamryn Bettelon
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
STATE OF WASHINGTON,)
)
Plaintiff,) No. 16-1-05983-6 KNT
)
vs.) ADDITIONAL CONDITIONS OF
) SENTENCE
)
CHARLES EDWIN PILLON,)
)
Defendant.)

The Court imposes the following Additional Conditions of Sentence:

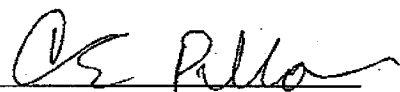
- 1) The defendant shall not accept or allow any additional solid waste or other materials onto the property – this includes but is not limited to any additional vehicles of any type, trailers, boats, containers, construction debris, yard waste or clippings, etc. The defendant shall take necessary steps to assure that this condition is adhered to, such as blocking access to the property in a manner consistent with condition 5 listed below.
- 2) The defendant shall not remove from his property any solid waste or other materials – this includes but is not limited to any vehicles of any type, trailers, boats, containers, construction debris, yard waste or clippings, etc. except via appropriately licensed waste disposal professionals and subject to any applicable waste characterization requirements.
- 3) The defendant shall not wreck, strip, crush, recycle or otherwise alter any vehicles, trailers, appliances, or other parts.
- 4) The defendant shall not bury, relocate, manipulate or otherwise rearrange any solid waste currently on the property.
- 5) The defendant shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and removal/destruction of any and all items determined to be a risk or potential risk to the environment.
- 6) The defendant shall assure that the only persons living on the property live within the dwelling identified during the trial as his home.
- 7) The defendant shall take no steps to financially encumber, transfer, sell, lease or otherwise convey any interest in the property.

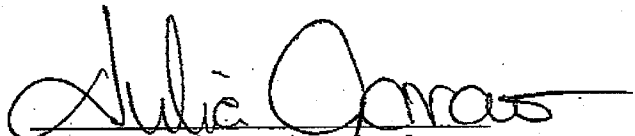
ADDITIONAL CONDITIONS OF SENTENCE



- 1 8) The defendant shall provide complete records of all mortgages, liens, home equity lines,
2 notes or other financial encumbrances on the property. This documentation is to be
provided to the Washington State Attorney General no later than June 29, 2018 by 5:00
3 pm.
- 4 9) The defendant shall provide complete records of all insurance policies or other similar
instruments for the property. This documentation is to be provided to the Washington
State Attorney General no later than June 29, 2018 by 5:00 pm.
- 5 10) The defendant shall provide complete records of all individuals who have paid to or
6 otherwise been permitted to dump solid waste on the property. This documentation is to
be provided to the Washington State Attorney General no later than June 29, 2018 by
5:00 pm.

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15 Date: 6.15.18

16 
17 DEFENDANT


Judge, King County Superior Court

Julia Garratt

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23
ADDITIONAL CONDITIONS OF SENTENCE

Exhibit D

FILED
KING COUNTY, WASHINGTON

AUG 17 2018

SUPERIOR COURT CLERK
BY Kamryn Bettelon
DEPUTY

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

CHARLES E. PILLON

Defendant.

No. 16-1-05983-6 KNT

ORDER MODIFYING SENTENCE

[CLERK'S ACTION REQUIRED]

The following willful violations of sentence have been admitted or proven:

☐ Failing to pay legal financial obligations as required;

☐ Failing to report to Helping Hands; ☐ Failing to complete _____ court-ordered community service hours;

☐ Ingesting a controlled substance _____; ☐ Failing to submit to urinalysis;

☐ Failing to complete _____ treatment as ordered;

☐ Failing to serve Jail / WER / CCAP (Community Center for Alternative Programs)/ EHD / commitment of _____ days;

☒ Other THE VIOLATIONS LISTED IN THE NOTICE ARE FOUND

☒ Other COMMITTED;

ORDER

It is hereby ordered, adjudged and decreed that:

The original sentence is still in effect but modified as follows: NO FURTHER
ACTIVITY ON THE PROPERTY ARE ALLOWED BY
DEFENDANT. THE STATE, COUNTY AND EPA
ARE TO HAVE UN-FEETED ACCESS TO THE
SITE W/O ANY FURTHER LEGAL PROCESS.

☐ No supervision by the Department of Corrections is available per statute.

☐ Supervision by the Department of Corrections is continued and shall be tolled for all periods of time the Defendant has absented him/herself from supervision.

ORDER MODIFYING SENTENCE 1

(rev. 2/12)

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955



☐ The court terminates its supervision at this time. The court finds that the defendant ☐ HAS NOT or ☐ HAS completed the conditions of sentence as ordered in the judgment and sentence including all financial obligations.

☐ The court sets a review hearing on _____

☐ Defendant is required to submit a financial declaration to the King County Clerk's Office and follow the payment schedule set by the Clerk's Office; or ☐ defendant shall pay at least \$ _____ per month by the _____ day of each month starting on _____.

Confinement ☐ is ☐ is not imposed.

The Defendant shall serve _____ days of confinement
☐ in the King County Jail; ☐ in King County Work/ Education Release
☐ in King County Electronic Home Detention; ☐ in CCAP;
 This commitment shall begin not later than _____;

☐ Credit is given for _____ days served.
☐ This is a conversion of _____ community service hours.

The King County Department of Adult Detention shall receive the Defendant for classification, confinement and placement.

DONE IN OPEN COURT this 17th day of AUGUST, 2018.

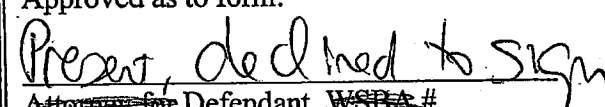

JUDGE

Presented by: 

~~Deputy Prosecuting Attorney, WSBA # 25987~~

AAC

Approved as to form:


~~Attorney for Defendant, WSBA #~~

ORDER MODIFYING SENTENCE 2

(rev. 2/12)

Daniel T. Satterberg, Prosecuting Attorney
 W554 King County Courthouse
 516 Third Avenue
 Seattle, Washington 98104
 (206) 296-9000, FAX (206) 296-0955

Exhibit E



King County

Department of
Natural Resources and Parks
Director's Office
King Street Center
201 S Jackson St, Suite 700
Seattle, WA 98104-3855



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue,
Washington 98008-5452 • (425) 649-7000

July 17, 2018

Ms. Sheryl Bilbrey
Office of Environmental Cleanup
U.S. EPA, Region 10
1200 6th Ave #900
Seattle, WA 98101

RE: King County and Ecology Request for Assistance to Remove Hazardous Materials

Dear Ms. Bilbrey:

King County and Department of Ecology (Ecology) are requesting assistance from the Environmental Protection Agency (EPA) to perform an emergency removal action and remove hazardous materials, pollutants, and contaminants from the illegal landfill previously operated by Charles Pillon in Renton, Washington (15753 SE Renton-Issaquah Road). An emergency removal action is necessary to mitigate an immediate threat to public health, welfare, and the environment posed by the presence of uncontrolled hazardous materials left on the property.

Risk associated with the property are related to the property location, the amount and type of containers which pose a threat of release, conditions at the property which are likely to cause the hazardous substances or pollutants or contaminants to migrate or be release, and threats of fire and/or explosion.

Mr. Pillon was recently found guilty in King County Superior Court of two felony counts of illegal auto wrecking and hazardous materials storage and one misdemeanor for solid waste handling. Despite decades of civil prosecution and fines, Mr. Pillon has continued to accept all manner of materials on his property for "disposal and recycling", including unknown amounts of hazardous wastes.

Mr. Pillon has resisted all efforts from local and state agencies to help him achieve compliance and does not appear to have the financial ability to clean up and remediate the property should he choose to do so.

Open dumping has occurred at the property, which is approximately 10-acres in size, for more than two decades. While the property is located in a fairly rural area, the property (and associated trash piles) are approximately 2000 feet from the Apollo Elementary School. The property lies up gradient

Ms. Sheryl Bilbrey
Office of Environmental Cleanup
July 17, 2018
Page 2

from private wells and a critical aquifer recharge area, and water quality samples taken from Mr. Pillon's property exceeded groundwater standards for arsenic, iron and manganese.

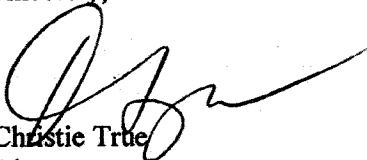
During a search of the property conducted by the Washington State Patrol on February 16, 2016, EPA and the Department of Ecology conducted sampling on site, and determined there was an imminent risk to the public and environment. Due to safety concerns and the extent of materials onsite, EPA personnel could only sample a few areas, but those samples show the materials include dangerous waste characteristics of ignitability, corrosivity, and toxicity. It is estimated there are hundreds, if not thousands of open, leaking and buried containers on site. Prior randomized testing of eight containers by EPA technicians revealed that three did in fact hold hazardous waste. Extrapolating those findings out to the more than 1,000 containers estimated to be on the property reveals the true extent of the emergent situation – potentially 375 or more containers of hazardous waste being stored under conditions that the trial court found pose an imminent threat to health and safety of citizens and the environment.

In addition to the public health risk, the property and associated hazardous substances, pollutants and contaminants are a risk to animals and the food chain, as contaminated stormwater runoff flows through the May Creek spawning grounds of Puget Sound Chinook salmon and steelhead (both listed as threatened species). Stormwater from the site discharges to the state's stormwater system along SR 900 before it discharges to a tributary of May Creek and ultimately into Lake Washington. Water quality samples exceeded acute and/or chronic surface water quality standards for several parameters including copper, lead and zinc.

King County and Ecology will work with liable parties on a long-term clean-up of the site. However, Mr. Pillon is the only potentially liable person currently identified for the site, and by all indication he does not have the ability to finance an immediate removal action. King County and Ecology lack the funding and personnel to recover, identify, remove and dispose of waste of this volume. We request the assistance of EPA's Emergency Response Program to address the identification and removal of the hazardous substances for off-site disposal. Conditions at the property constitute a threat to public health and welfare and the environment, and justify a removal action being conducted by EPA at the property. With the court's supervision over Mr. Pillon for the next two years, this is a good time to access the property to remove hazardous materials.

Please let us know if we can provide additional information and thank you for your consideration.

Sincerely,



Christie True
Director
King County Department of Natural Resources and Parks



Tom Buroker
Regional Director
Washington Department of Ecology

cc: Calvin Terada, Emergency Response Program Manager, U.S. EPA
Wally Moon, Emergency Response Program Supervisor, U.S. EPA
Jeffrey Fowlow, Federal On-Scene Coordinator, U.S. EPA

Exhibit F



ecology and environment, inc.

Global Environmental Specialists

720 Third Avenue, Suite 1700

Seattle, Washington 98104

Tel: (206) 624-9537, Fax: (206) 621-9832

August 2, 2018

Jeffrey Fowlow, On-Scene Coordinator
United States Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

Re: May Creek Landfill Site Walk
Contract Number EP-S7-13-07, Task Order 68HE0718F0470

Dear Mr. Fowlow:

Enclosed please find a site observation report of the July 26, 2018 Site Walk at the May Creek Landfill site, which is located in Renton, Washington. If you have any questions regarding this submittal, please call me at (206) 624-9537.

Sincerely,

ECOLOGY AND ENVIRONMENT, INC.

Steven G. Hall
START-IV Removal Team Leader

cc: Brad Martin, E & E, START-IV Emergency Response Team Leader, Seattle, WA

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Observation Report

**May Creek Landfill
Renton, Washington
Task Order 68HE0718F0470**



Prepared for

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Prepared by

Ecology and Environment, Inc.
720 Third Avenue, Suite 1700
Seattle, WA 98104

August 2018

Site Observation Report
May Creek Landfill

1. PLACE VISITED

Site Name:	May Creek Landfill
Responsible Party Name:	Charles Pillon
Location:	15753 Renton Issaquah Road Southeast, Renton, Washington
Latitude: 47.501782	Longitude: -122.131476
Date(s) of Trip:	July 26, 2018

2. PURPOSE

The United States Environmental Protection Agency (EPA) tasked Ecology and Environment, Inc. (E & E), under Superfund Technical Assessment and Response Team (START)-IV contract number EP-S7-13-07, to participate in a site walk at the May Creek Landfill site in Renton, Washington (Figure 1). START personnel were tasked with:

- Documenting site access
- Identifying safety concerns
- Collecting information to conduct a potential time-critical removal action (TCRA)
- Identifying logistical concerns
- Identifying relevant technologies
- Creating maps and sketches
- Collecting photo documentation

In February 2016, EPA assisted Washington State Department of Ecology, Washington State Attorney General's Office, and King County in investigating the site. During that investigation, START collected a total of nine product/waste samples and 13 surface soil samples. Product/waste samples were subjected to hazard categorization testing and select samples were submitted for additional off-site fixed laboratory analysis. A total of six samples were submitted for Hydrocarbon Carbon Identification (HCID) analysis, of which four contained petroleum product(s). Laboratory analytical results indicated that two of the seven samples submitted for flashpoint analysis were ignitable. These samples did not contain petroleum hydrocarbons based on the HCID analysis. One liquid sample from a container exhibited a high pH (12.3) but just below the Resource Conservation and Recovery Act (RCRA) characteristic of corrosivity (12.5); however, Toxicity Characteristic Leaching Procedure metals results were elevated for lead, indicating that the product was toxic. These results indicated that RCRA characteristic waste was present on the site.

The soil samples were submitted for off-site fixed laboratory analysis and compared to Model Toxics Control Act Method A unrestricted land use criteria. Sample results indicated two Target Analyte List metals (cadmium and chromium), two Semi-Volatile Organic Compounds

Site Observation Report May Creek Landfill

(benzo[a]pyrene and total polycyclic aromatic hydrocarbon total toxicity equivalent concentration [TTEC]) and motor oil range organics were detected at concentrations above the site criteria. Chromium was also detected above the MTCA Method A cleanup level in the background sample and therefore may not be directly attributable to site activities. However, the presence of cadmium, benzo(a)pyrene, TTEC, and motor oil range organics in soil samples at concentrations exceeding MTCA Method A criteria indicated that site activities resulted in the release of these hazardous substances to the environment. Based on the volume and type of waste on the property and the wide distribution of soil contamination (discovered through a very limited sampling regime), it was reasonable to conclude that much of the original surface soil, which was inaccessible during the February 2016 site visit because it was buried to an unknown depth with waste, was similarly contaminated at concentrations in excess of MTCA Method A standards (E & E 2016).

3. PERSONS INVOLVED

Agency/Company	Contact Persons
United States Environmental Protection Agency	Jeffrey Fowlow – Federal On-Scene Coordinator
Washington State Department of Ecology	Robert Warren, Rick Thomas, Katie Gibbs
King County	Mark Stockdale, Lucy Auster
START – E&E, Inc.	Brad Martin
ERRS – EQM, Inc.	Pat Heyneman

4. SITE OBSERVATIONS

On July 26, 2018, START-IV met at the May Creek Landfill site with representatives from EPA, the Washington Department of Ecology, King County, and the EPA Region 10 Emergency and Rapid Response Services (ERRS) contractor to conduct a site walk. After securing verbal site access, the attendees met with Mr. Pillon. Mr. Pillon, the potentially responsible party (PRP), explained some of the history at the site and some recent actions he had taken to lessen hazardous substance concerns at the site. The following describes observations made at the site during the subsequent site walk in the Bus/RV Area, Landfill Area, and Workshop Area (Figure 2). The Residential Area was not assessed during this site walk. During the site walk, START discussed safety concerns, logistical issues, and technology options for conducting a potential Removal Site Evaluation and/or TCRA with EPA and ERRS.

Bus/RV Area

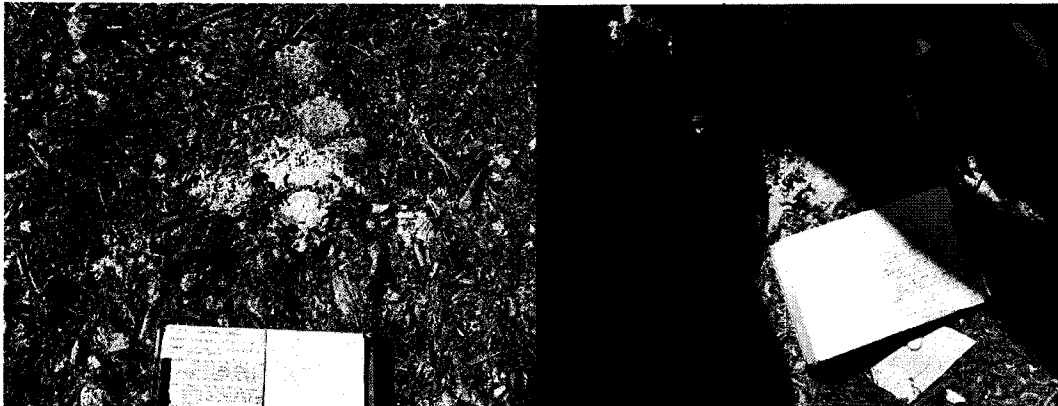
START observed approximately 30 containers in an old bus. The containers were mostly 1 and 5 gallons and appeared to be paint-related wastes. Two 55-gallon drums were observed in the bus. Many of the containers did not have markings and appeared to be in poor condition. No observable management system was apparent to prevent mixing of incompatible chemicals or to prevent release.

Site Observation Report
May Creek Landfill



During the 2016 site visit, START had observed several hundred containers in this bus. The PRP explained that he had emptied the contents of those containers to the ground and mixed them with woodchips/sawdust. He reported that the containers he emptied contained only latex paint and that the containers with flammable waste were left in the bus. He crushed and stockpiled the empty containers next to the bus. ERRS observed latex and oil-based paint containers and reported a solvent smell near the stockpiles. See photos below of the spilled material and crushed containers.

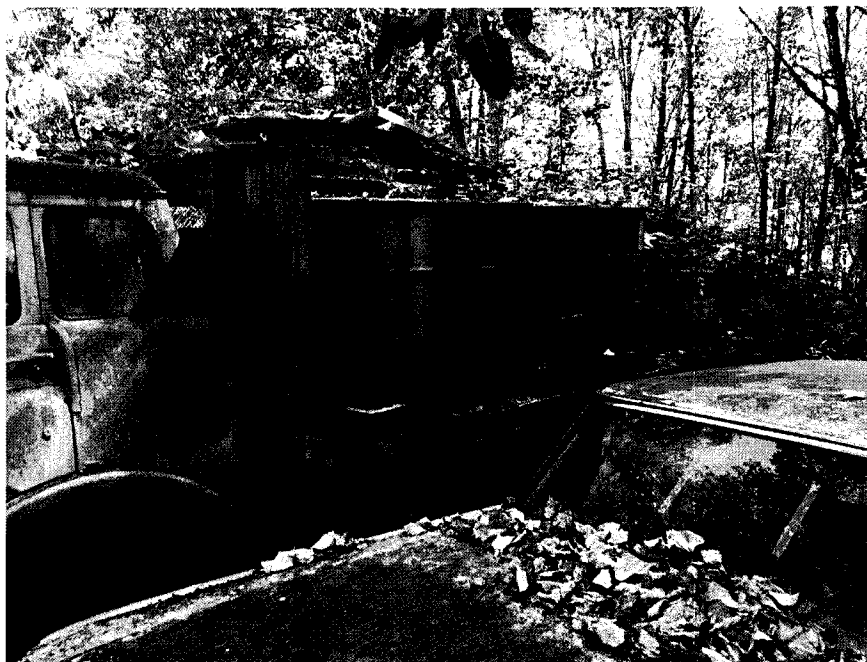
***Site Observation Report
May Creek Landfill***



*Site Observation Report
May Creek Landfill*



START observed approximately ten 55-gallon metal drums on the bed of a truck. These containers were also observed during the 2016 site visit. The drums had few if any labels and appeared to have contents in them. One drum was leaking a black liquid to the soil. Nearby an additional stainless steel drum with no labels was observed.



Site Observation Report
May Creek Landfill

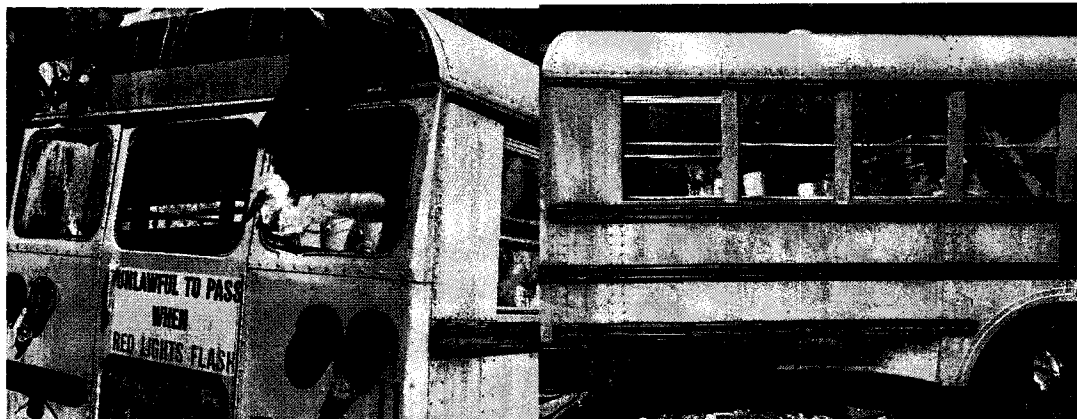


In addition to the observations noted above, START also observed dozens of containers (1 and 5 gallon) and cylinders (assorted sizes) throughout the Bus/RV Area laying on the ground or mixed in with solid waste. START also observed materials that could be considered suspect asbestos containing materials (ACM) including cement/mortar, insulation, demolition debris, and flooring.

Landfill Area

During the site walk in this area, START observed 20+ containers/cylinders laying on the ground or otherwise mixed with solid waste at various locations. Suspect ACM was also observed throughout this area. Of note in this area was a school bus that contained approximately 100+ 1-gallon containers. This bus was not present at this location during the 2016 site visit.

*Site Observation Report
May Creek Landfill*



START also observed several junked/abandoned vehicles capable of carrying several thousand gallons of liquid throughout the site (including two fire trucks, a jet fuel carrier, and a small tanker truck). One such vehicle is pictured below but was not accessible to assess for contents. The PRP indicated it was a water truck and was empty.



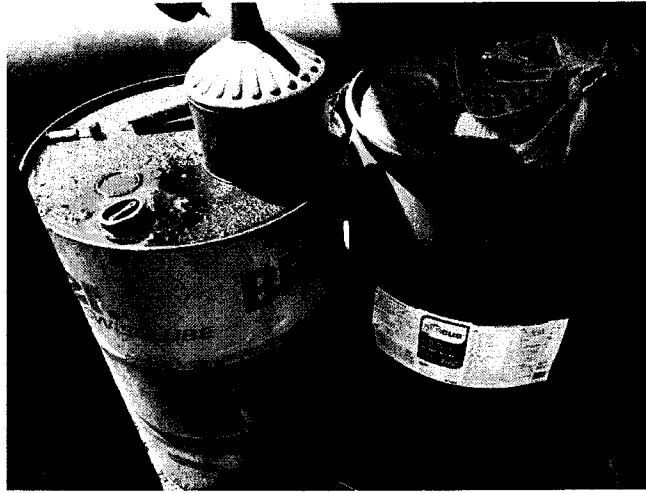
Site Observation Report
May Creek Landfill

Workshop Area

START observed approximately 10 drums in the workshop area. Many of the drums were being used to manage the PRP's used/waste oil and other materials from vehicle maintenance. Since these drums appeared to be actively in use, not all of them are accounted for in this report as being potentially subject to a TCRA. Assorted 1- and 5-gallon containers were also observed in this area.



Site Observation Report
May Creek Landfill



The container that contained a liquid with elevated pH (12.3) and that was a toxicity characteristic hazardous waste for lead in 2016 was still present on the site in this area, as shown in the photo below:



Summary of Site Observations

- START observed approximately 250 visible containers at the site. The containers were primarily 1- and 5-gallons in size. There were approximately fifteen to twenty 55-gallon drums. Most of the containers did not have labels. There was no recognizable system of storing most containers safely or in a manner suggesting regular use or with care to prevent release.
- The PRP reported that he emptied various containers from the bus/bus area onto wood chips (used for absorption) spread directly onto surface soil. The PRP reported to have

**Site Observation Report
May Creek Landfill**

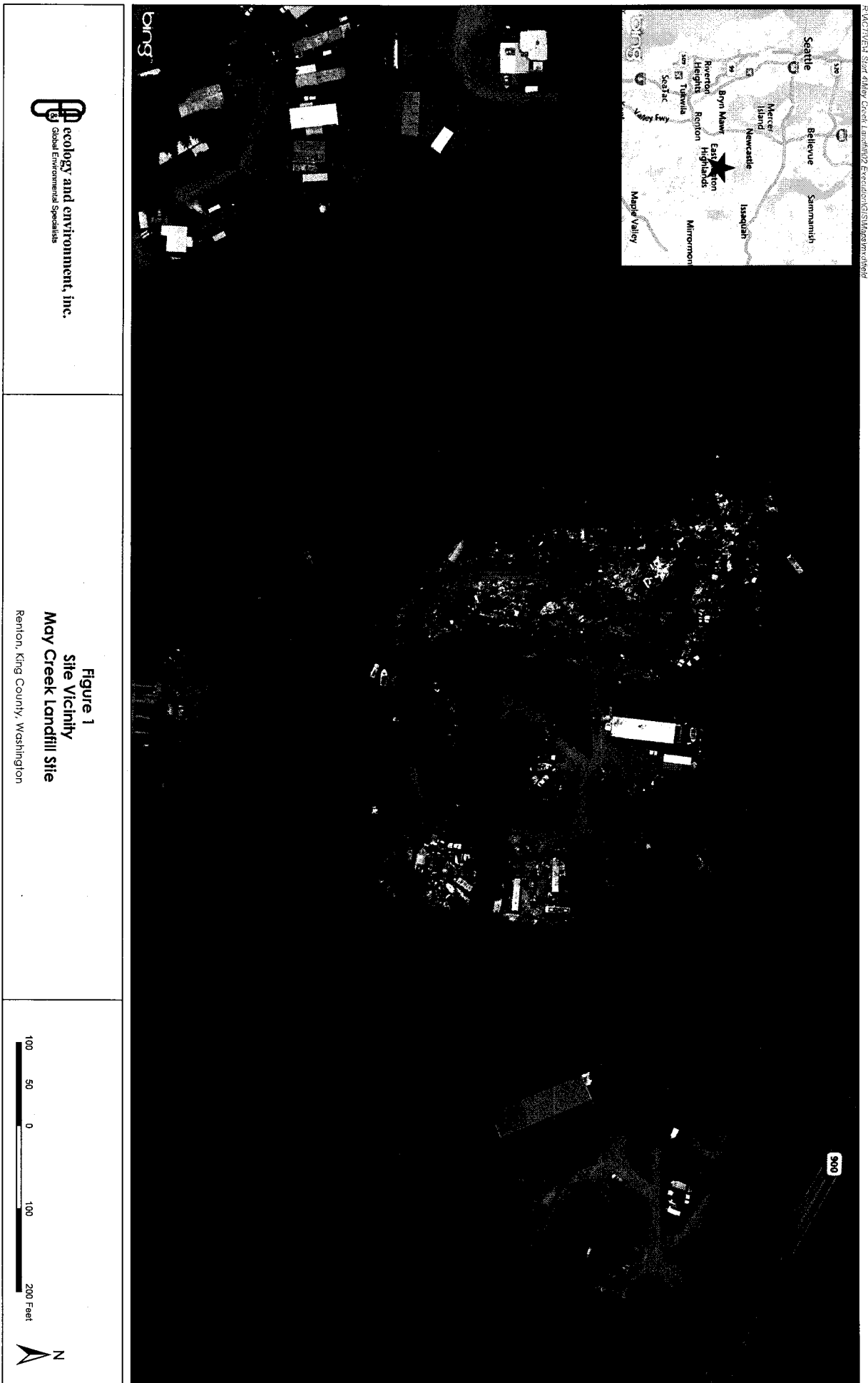
emptied containers with latex paint only, but it is unknown whether any of the emptied containers also included mixed waste.

- There are dozens of junked/abandoned vehicles at the site. At least four vehicles capable of carrying several thousand gallons of liquids were observed (two fire trucks, a jet fuel carrier, and a small tanker truck). The volume of fuel in junked/abandoned vehicles was not assessed with the exception of the jet fuel carrier, which was only assessed visually and by knocking on the tank wall (there was no apparent sight glass and it did not sound as though it was full).
- Evidence of container releases were observed, including actively leaking containers and stained soil.
- Suspect ACM was observed throughout the site.
- Many parts of the site were not safely accessible (e.g. inside overly packed buses and RVs).
- It is possible that containers are buried and intermixed with solid waste based on how containers were managed on the surface.

References

Ecology and Environment, Inc., May 2016, *Final Trip Report: May Creek Landfill*, prepared for United States Environmental Protection Agency, Contract Number EP-S7-13-07, Technical Direction Document Number 16-02-0007.

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bing



ecology and environment, inc.
Global Environmental Specialists
Seattle, Washington

MAY CREEK LANDFILL
Renton, Washington

Figure 2
SITE WORK AREAS

100 50 0 100 Feet

Date:
7/14/16

Drawn by:
AES

10:START IV\16020007\fig 2

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Exhibit G

From: Chuck Pillon(b) (6)
Sent: Friday, August 03, 2018 12:17 PM
To: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Subject: that document...

I finally located that consent form...but there is a problem...

but let me say first that I appreciate your continuing good humor and confirmation that the owner clean-up process is available to me if the process seems doable under the circumstances...

that visit out here you attended last week was represented to me as a "walk-through" by the prosecutor...that is what I consented to verbally...and didn't realize that your document included a consent to search and seize in the future without another warrant...I did not intend....nor did I knowingly consent to that addition to the "walk-through"...

I have to keep things in order here...AND WELL RECORDED...so with respect to the EPA...here is my position...

your original visit was under authority of a S/W issued to the WSP...(more on that later)...but suffice it to say for now...search warrants are not "perpetual" and the authority for that one expired when all parties departed with whatever "evidence they deemed important at that moment in time...and as you know I was subsequently prosecuted based on that evidence...and it certainly became apparent that the prosecution was determined to misrepresent what was delivered to them...point of fact:

at the pre-trial meeting you confirmed that you had not identified anything you considered to be IMMINENT DANGER to any environmental resources or public safety...and recall that you confirmed that at trial and that some basic clean-up was needed and you agreed simply some additional clean as well might be in order.....

couple that with the fact that the EPA took no further action as a result of your initial inspection...no additional search warrant or emergency action even...and I believe it is thus established de facto that the necessary clean-up was well within my means...and having read the EPA provision for owner clean-up I believed I was eligible for an additional inspection from EPA to either close the matter or point out additional clean-up as might be needed...

I dealt with your original concerns as diligently as I could...I have records...and frankly believed this return visit would provide that update moment...what happened however did not settle that issue...leaving me very disappointed...though you did very cordially repeat the essence of the owner clean-up provision I mention...which furthers my contention that I am acting responsibly...

there are a couple of other concerns here that I have to record:

your visit included a couple of "EPA CONTRACTORS"...what was their purpose...and who directed that they be brought along...if any observations they made are included in any enforcement action in the future...my Fourth Amendment rights have been violated...what they may have observed constitutes an act by an agent of the State...and they clearly looked in places not open to passing view...not in "plain view"thus a warrant was required...for that activity...I believe you were at least "requested" by the prosecution to bring them along...I say they were sent along to intimidate me...I will be seeking any communication any official had with them as well...both before and after the "visit"

I have to further note that you advanced a theme that I have long subject to...that the oil-drippage you noted at the time of the original visit back in 2016...clearly along a line where old vehicles were parked previously could have come from anywhere...and that might be some real significant greater source somewhere near by...the only source you could be referring to is my compost operation...but if that was a basis for concern I believe you were obliged to act promptly on that...to the extent that you order immediate action...and that was not done...I have to repeat here that you were consistently to confirm that you saw no particular (IMMINENT) danger...and it is clear that your recent advent was based solely on the demand of the prosecution...otherwise I am sure you would have contacted me in advance...

thus any further action would require another Court Order (S/W) or other open process to which I have a right to be a party...that is my DUE PROCESS...no agency can simply unilaterally extend the term of a Search Warrant...to fit some direction of a prosecution agency...

finally please inform me as to EPA process regarding questions of harm to the waters of the State or the U.S. ...if you have an active assessment program I request you inspect my STORMWATER SYSTEM to clear up unanswered (admitted) questions that result from an incomplete DOE inspection the results of which were improperly introduced against me at trial...I asked the DOE inspector to complete that process while he was here the other dy...AND HE REFUSED!...THUS THERE IS NO USE PURSUING THE MATTER WITH THE STATE...if you do not feel obliged here please let me know...

with all of this said I now request to meet with you and the EPA Counsel for this region...I don't want to draw you any further into this mess if it can be avoided...please FWD to that person (counsel)

regards

Exhibit H

From: Chuck Pillon (b) (6)
Sent: Wednesday, September 12, 2018 11:12 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Subject: Re: RE: that document...

Hello again Ms. Leefers...

there is apparently a "meeting" scheduled soon to decide what clean-up measure are to be done on my property...I am concerned about the measures that may be decided there without my presence...

My first request is to learn the location and time of that meeting and if you feel it appropriate please let me know...

Second...I have researched the EPA guidelines for owner clean-up under EPA supervision...Jeff has confirmed that that is the provision for modest cases...and there is no argument/record that there is any "imminent danger" on this property...I don't want to load you up with too much right now... but note that Jeff and all other State witnesses stated very clearly at trial that they neither observed...recorded...or otherwise stated that they saw any such danger up here...and this fact is de-facto confirmed by the utter lack of any enforcement/abatement action by ANY OF THESE AGENCIES in the 2 and a half years since the original incursion up here...

Third...I need to know if there is any intent to deny me this "first-option" and get on with the clean-up with EPA oversight?...and I need to know that before this forthcoming meeting.

Fourth...I have been dealing with all the concerns Jeff originally outlined and repeated to me over time...and am prepared to cooperate in any further concerns as needed...the initial level of materials and apparent soil contamination up here were frankly minimal in contrast to the actual land-area...roughly 1000 square-feet out of 435,000 square feet...

You see I am confident of the manner that Jeff has conducted EPA presence up here and confident that I can promptly resolve the remaining question(s)...and I don't want this equitable option to "disappear" in the fog of a "meeting" that I have not been invited to...I believe there are both 8th and 14th Amendment issues here...

finally...given the enormous level of prejudice that arises around cases like this...wherein media hysteria often clouds the truth...I want to note some balancing information here...

I am a retired cop...Seattle P.D....and in my retirement years out here I have been a persistent actor in public safety and other issues...very certainly in environmental terms...bringing about significant improvement in river safety...roadway flooding...other highway safety issues...and community clean-up...(the genesis of my "illegal wrecking yard" history)...homeless-sheltering...and not a few dangerous drug-houses and other crime issues...

I make an offer of proof here that would take you to the door of the King County WLRD...the KCSO...the office of the King County Ombudsman...the Mayor of Renton...WSDOT...and so on...

with all this said...I hope you will provide me with the answers to those questions above so I can defend my interests...

regards Chuck Pillon

On Monday, August 6, 2018 05:00:42 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Good Afternoon Mr. Pillon-

The email below was sent to me by Jeff Fowlow, as you requested. At the end of your email, you requested that the email be shared with EPA Counsel, and you requested a meeting.

I am the attorney representing EPA on this matter, and you and I met once before at the state attorney's office. Please feel free to contact me to schedule a meeting or send any questions or concerns you may have directly to me and I can respond in writing.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

From: Chuck Pillon (b) (6)
Sent: Friday, August 03, 2018 12:17 PM

To: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>

Subject: that document...

I finally located that consent form...but there is a problem...

but let me say first that I appreciate your continuing good humor and confirmation that the owner clean-up process is available to me if the process seems doable under the circumstances...

that visit out here you attended last week was represented to me as a "walk-through" by the prosecutor...that is what I consented to verbally...and didn't realize that your document included a consent to search and seize in the future without another warrant...I did not intend....nor did I knowingly consent to that addition to the "walk-through"...

I have to keep things in order here...AND WELL RECORDED...so with respect to the EPA...here is my position...

your original visit was under authority of a S/W issued to the WSP...(more on that later)...but suffice it to say for now...search warrants are not "perpetual" and the authority for that one expired when all parties departed with whatever "evidence they deemed important at that moment in time...and as you know I was subsequently prosecuted based on that evidence...and it certainly became apparent that the prosecution was determined to misrepresent what was delivered to them...point of fact:

at the pre-trial meeting you confirmed that you had not identified anything you considered to be IMMINENT DANGER to any environmental resources or public safety...and recall that you confirmed that at trial and that some basic clean-up was needed and you agreed simply some additional clean as well might be in order.....

couple that with the fact that the EPA took no further action as a result of your initial inspection...no additional search warrant or emergency action even...and I believe it is thus established de facto that the necessary clean-up was well within my means...and having read the EPA provision for owner clean-up I believed I was eligible for an additional inspection from EPA to either close the matter or point out additional clean-up as might be needed...

I dealt with your original concerns as diligently as I could...I have records...and frankly believed this return visit would provide that update moment...what happened however did not settle that issue...leaving me very disappointed...though you did very cordially repeat the essence of the owner clean-up provision I mention...which furthers my contention that I am acting responsibly...

there are a couple of other concerns here that I have to record:

your visit included a couple of "EPA CONTRACTORS"...what was their purpose...and who directed that they be brought along...if any observations they made are included in any enforcement action in the future...my Fourth Amendment rights have been violated...what they may have observed constitutes an act by an agent of the State...and they clearly looked in places not open to passing view...not in "plain view"thus a warrant was required...for that activity...I believe you were at least "requested" by the prosecution to bring them along...I say they were sent along to intimidate me...I will be seeking any communication any official had with them as well...both before and after the "visit"

I have to further note that you advanced a theme that I have long subject to...that the oil-dripping you noted at the time of the original visit back in 2016...clearly along a line where old vehicles were parked previously could have come from anywhere...and that might be some real significant greater source somewhere near by...the only source you could be referring to is my compost operation...but if that was a basis for concern I believe you were obliged to act promptly on that...to the extent that you order immediate action...and that was not done...I have to repeat here that you were consistently to confirm that you saw no particular (IMMINENT) danger...and it is clear that your recent advent was based solely on the demand of the prosecution...otherwise I am sure you would have contacted me in advance...

thus any further action would require another Court Order (S/W) or other open process to which I have a right to be a party...that is my DUE PROCESS...no agency can simply unilaterally extend the term of a Search Warrant...to fit some direction of a prosecution agency...

finally please inform me as to EPA process regarding questions of harm to the waters of the State or the U.S. ...if you have an active assessment program I request you inspect my STORMWATER SYSTEM to clear up unanswered (admitted) questions that result from an incomplete DOE inspection the results of which were improperly introduced against me at trial...I asked the DOE inspector to complete that process while he was here the other dy...AND HE REFUSED!...THUS THERE IS NO USE PURSUING THE MATTER WITH THE STATE...if you do not feel obliged here please let me know...

with all of this said I now request to meet with you and the EPA Counsel for this region...I don't want to draw you any further into this mess if it can be avoided...please FWD to that person (counsel)

regards

Exhibit I

From: Chuck Pillon (b) (6)
Sent: Wednesday, September 26, 2018 10:37 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>; maia.bellon@ecy.wa.gov
Subject: My Compost Pile...

Greetings Ladies...

I am not aware of the results of the recent "meeting" regarding clean-up on my property. I am left wondering because both your agencies have been welcome here...and my current clean-up process meets with the apparent standards for such activity. Accordingly I invite more in-person constructive conversation with your staff to bring the matter to a proper conclusion.

However...If any action is planned to disturb my compost berms I believe there are certain facts that MUST be taken into consideration before any such intrusion. Scott Marlow...AAG...recently informed me that some mysterious "WE" intend to remove this environmentally vital element from my land.

And I want to note here early on...as a frame of reference...EPA Publication (and others as you may feel inclined)...EPA 530-R-98-008. My composting effort has not been done recklessly or unlawfully. The issues over the years from King County Solid Waste/Health Department have been my "lack of permit(s)"...they have been observing off and on...for 15 years or more...AND HAVE NEVER TAKEN ANY ACTION TO HALT THE PROCESS. And that emergent EPA publication essentially endorses my long standing process.

My point here is that I have not been "COMPOSTING" as an uninformed malefactor. I have been at it...for purposes I will detail...for nearly 35 years. And the absence of any harm to my property or others...including public property...speaks volumes.

On the contrary...this effort has been of great benefit to neighbors...road-safety...and Salmon Habitat in the drainage along SR 900 and on into May Creek. And very certainly...it has prevented destructive soil-erosion on my land. In other words...it is an entirely productive and lawful process. One which in fact I had to initiate as a responsibility to abate the consequences of the land-clearing (with building permit) when I built my home here.

Here is a sort of chronology:

I cleared the land of brush and trash in 1978 when preparing to build. I saw immediately that the surface soil was raw clay. I have been involved in "DIRT-WORK as an avocation footnote to my law enforcement career for over fifty years. I knew this situation would lead to serious storm-water flow onto SR 900...and wash a lot of raw-silt onto my neighbors land and on into the tributary of May Creek along SR 900 as well. So I promptly began to take measures to correct this. I soon recognized that simple ditches would not prevent the consequences. And at this time the County Building Inspector noted the same concern at one of his visits.

We agreed that some absorbent medium was necessary. I knew from experience that vegetation from yard-maintenance and logging debris and other compost elements...would be the optimal remedy. So I began the collection of such elements. The result has been a definite success. This precautionary measure literally absorbs millions of gallons of rainwater annually.

I have continued to this day...and the good-humored exchanges with KC Solid Waste have been just that Good-humored and inconsequential. I have always stressed the positive here...and invited them...on every visit...to TAKE A DEEP

BREATH...to emphasize the fact that my process is absolutely ODOR-FREE. Unlike that of other operations in the area. Puget Sound Clean Air has also inspected here ...and never noted any odor problems.

If either of your Agencies is aware of...and invited to participate...I request you provide a lawful Hearing on the matter. I am prepared to provide witnesses and declarations and other information that will clarify this situation and put an end to such a destructive environmental assault.

I have to note here that WS DOT just last year installed a SALMON-FRIENDLY CULVERT and restored a long stretch of habitat as well. I have inquired of WS DOT King County DPER...and State Fisheries...and none of them has been consulted. This reckless unpermitted action would violate several laws and regulations.

Please inform me ASAP. If there is such a plan in existent...especially involving your agencies I will have to resort to Court action to prevent it from proceeding.

Regards...Chuck Pillon.

Exhibit J

From: Leefers, Kristin
Sent: Wednesday, October 03, 2018 2:38 PM
To: (b) (6)
Subject: EPA assessment and cleanup at your property

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

You have stated an interest multiple times in conducting this work yourself, rather than EPA conducting work on your property. EPA intends to conduct this work, as you are under court order that would prohibit you from completing the work. In particular, you "shall not remove from his [sic] property any solid waste or other materials...except via appropriately licensed waste disposal professionals and subject to any applicable waste characterization requirements" and you "shall not bury, relocate, manipulate or otherwise rearrange any solid waste currently on the property." (See Paras. 2 and 4, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) The work to be done requires the relocation and rearrangement of solid waste within the property, and disposal of such materials outside of the property. EPA has also noted that the court found you in violation of Paragraphs 2 and 4 of the Additional Conditions of Sentence (see Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018). EPA does not intend to be the impetus for any additional violations by you of those conditions by agreeing to you conducting the assessment and cleanup work on your property. Furthermore, the court ordered that "No further activity on the property are [sic] allowed by defendant." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

Therefore, EPA is seeking access to your property to conduct the planned assessment and cleanup work. I have attached a consent for access form for your review and signature. I will also note that you are under court order

to cooperate with EPA's assessment and cleanup. Specifically, you "shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and removal/destruction of any and all items determined to be a risk or potential risk to the environment." (See Para. 5, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pilon, No. 16-1-05983-6 KNT, dated June 15, 2018.) Additionally the court ordered, "The state, County and EPA are to have un-fettered access to the site w/o any further legal process." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pilon, No. 16-01-05983-6 KNT, dated August 17, 2018).

Please review the attached consent form and return it to me at my address listed below no later than October 17, 2018. If you do not return the attached access form with your signature by October 17, 2018, EPA will consider your failure to sign and return the form as a denial of consent for access and may pursue other methods to obtain legal access to your property.

Sincerely,
Kris

Kris Leefers
Assistant Regional Counsel
Deputy Unit Dive Officer
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
M/S: ORC-113
Seattle, Washington 98101
206-553-1532
leefers.kristin@epa.gov

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

CONSENT FOR ACCESS TO PROPERTY

Name: Charles Edwin Pillon

Phone Number: 206-383-5115

Property Location: 15753 Renton-Issaquah Road SE, Renton, King County, Washington 98059

I hereby give consent to officers, employees, authorized representatives, contractors, and persons acting at the request of the United States Environmental Protection Agency ("EPA") to enter and have access at reasonable times to the above referenced property ("Property") for the following purposes:

1. Collecting soil, water, and air samples;
2. Sampling materials stored or disposed of on the Property;
3. Taking other actions related to the investigation of surface or subsurface contamination;
4. Taking photographs;
5. Conducting response actions at the Property, including the removal of hazardous materials and contaminated items from the Property, and the evaluation, consolidation, and preparation for transport and disposal of hazardous materials and contaminated items on or from the Property; and
6. Taking any other response action deemed necessary by EPA to protect the public health or welfare or the environment.

I recognize that these actions by EPA are undertaken pursuant to its response and enforcement authorities contained in the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601, *et seq.*

This written permission for access is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Date

Signature

Title (i.e., owner, tenant, company executive, etc.)

Exhibit K

From: Chuck Pillon (b) (6)
Sent: Wednesday, October 03, 2018 5:14 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Fw: a meeting with you and Greg Stegman

Hello again...

I will send along a comprehensive reply to your email today...but I have a few pertinent email exchanges such as this one which serve an important interim/collateral purpose. This process will allow us to isolate certain issues...and let me record my specific concerns as we move things along.

This email documents a matter that caused me to inquire of you sometime back. I stated then that WA. DOE had informed me...as you can read here...that EPA was henceforth to do the water testing. Your email today confirms that intention on part of the US EPA.

I asked you back then...as EPA Counsel...if EPA was aware of this...and accepted the DOE commitment to clear up their mistakes in their original water-testing regimen.

YOU (THE EPA) HAVE NEVER RESPONDED TO THIS INQUIRY. NOW I MUST INSIST.

The critical issue here is that EPA has never independently tested or in any other manner assessed the water quality that I am actually responsible for. It seems EPA intends to predicate its testing on the results of the DOE testing...which DOE has confirmed is faulty. So unless EPA intends to correct this erroneous "record/evidence" before any other intrusion on my property... it is my position that you have no basis to intrude here for water testing without more legal process than you have identified at this point. Further you do not identify any other agency or individual that has produced evidence of a problem with any water around here.

I have a fair sense of my Fourth Amendment protection...not to mention other such provisions. Federal Regulation of the sort you include in your email earlier does not obviate these rights and allow EPA to take any arbitrary actions that may harm my personal fortunes...absent any showing of any emergency. Those "tests" were taken better than two years ago...and DOE never even returned for any more testing...let alone take any enforcement action!

I have arranged a "test-flow" of the Storm-Water system I have maintained for many years out here...and I ask then that the EPA have a representative attend. It will be clear that the system is dry for much of the year...and only conducts water from the property above my place when the rainfall becomes heavy late in the year.

This demonstration will be clear to EPA...and confirm that there is no basis to criticize me for the quality of that water

I MUST EMPHASIZE FURTHER THAT THE DOE RESULTS ACTUALLY DEMONSTRATE THAT MY SYSTEM (THE BIO-FILTRATION EFFECT) SOMEWHAT IMPROVES THE QUALITY OF THAT WATER AS IT COURSES OVER MY LAND.

THIS MATTER HAS TAKEN ON DRACONIAN DIMENSIONS AND I WILL CONTINUE TO SPEAK TO THEM INDIVIDUALLY IN THE MORE GENERAL RESPONSE I WILL SEND. ALONG SOON. For this reason also I intend to address this matter to the upper-command at US EPA. Accordingly let me know what (who) is at the "next station" above you guys locally. I have no animus toward you or Jeff Fallow...but this has to be elevated for my protection.

Included in my offering(s) will be the continued willingness to participate in proper testing out here...but I am not going to surrender...especially under threat of some sanction from the State Court. That matter is under appeal...there is a Bar Assn complaint...and there will soon be a Complaint to the Judicial Conduct Board.

So don't be further inclined to assume that I am the "prisoner" to that process.

more to come...regards...Chuck Pillon

----- Forwarded Message -----

From: Buroker, Thomas (ECY) <THBU461@ECY.WA.GOV>
To: Chuck Pillon (b) (6)
Sent: Tuesday, August 7, 2018 06:26:28 PM PDT
Subject: RE: RE: a meeting with you and Greg Stegman

Hi Chuck,

If I understand correctly, you are asking us to perform a water quality inspection. At this time, we will be deferring to the EPA on water and soil sampling. If that changes, I will let you know. I'm sorry that we will not be able to help with your request.

As we discussed before, please contact Scott Marlow with questions. He will be able to do the best job at being responsive to your inquiries.

Thank you,

Tom

Tom Buroker | Regional Director

Washington State Dept of Ecology | Northwest Region

3190 160th Ave SE | Bellevue, WA 98008-5452

(425) 649-7010 | thomas.buroker@ecy.wa.gov

From: Chuck Pillon (b) (6)
Sent: Friday, August 3, 2018 2:31 PM
To: Buroker, Thomas (ECY) <THBU461@ECY.WA.GOV>
Subject: Re: RE: a meeting with you and Greg Stegman

hello Tom...

I understand the situation...thanx for your patience...

here is a request that I hope you will respond to...when the original testing was done over here in 2016 it became clear to me that Tracie Walters misunderstood the very effective storm-water protection system I created on my property.

Tracie confirmed that in a subsequent email exchange that I retain. The confusion led to an inaccurate estimation of the impact on the storm water as it transits my system. In point of fact the water quality actually improves as it crosses my property. And Ms. Walters confirmed that as well. She also noted in red ink at the end of the storm-water field inspection report that since uphill off-site testing wasn't done at that time...the results were at best uncertain. Also since the soil on my property is near-impervious clay...back then I began to build a berm of dead vegetation (compost pile) across my property to absorb what would otherwise be uncontrolled flooding of the downhill neighbors...as well as areas of my property.

I did my homework back then and this method ...a vegetation barrier...was the best/most recommended step in storm-water control.

This mystery still hangs as a cloud above me and title to my property. that has very certain destructive consequences for me...very certainly as it affects my property value...and allows others to disparage my reputation among other concerns.

I believe DOE...as with any public agency...has a clear ethical and legal responsibility to clear up its mistakes...especially when it so harms the financial interests of a citizen. In my days in Law Enforcement I recall when a certain Radar Device...used to enforce speed zone traffic...was found to be erratic and unreliable. The City of course did the right thing...it traced the motorists who had received citations and cancelled them promptly.

Accordingly I request this follow up visit to be conducted by persons who are competent to do so. Especially those who are experienced in this sort of system and can decide if this absorbent barrier (compost pile) should remain...or be removed for any reason. If someone at DOE objects to this process...which I am clearly entitled to by law...I will be forced to bring an action in Court to protect my interests.

I hope no one there forces us into that position.

again...thanx for your patience.

Regards...Chuck Pillon

On Thursday, August 2, 2018 09:02:57 AM PDT, Buroker, Thomas (ECY) <THBU461@ECY.WA.GOV> wrote:

Good morning Chuck,

As we have discussed, I respectfully ask you to work on this and other inquiries is through our attorney, Scott Marlow. Let me know if you or your attorney needs Scott's contact information.

If you are interested in a specific document request, you can find more information here:
<https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

Thank you,

Tom

Tom Buroker | Regional Director

Washington State Dept of Ecology | Northwest Region

3190 160th Ave SE | Bellevue, WA 98008-5452

(425) 649-7010 | thomas.buroker@ecy.wa.gov

From: Chuck Pillon (b) (6)
Sent: Tuesday, July 31, 2018 11:58 AM
To: Buroker, Thomas (ECY) <THBU461@ECY.WA.GOV>
Subject: Fw: a meeting with you and Greg Stegman

I had your email address wrong the first time...

----- Forwarded Message -----

From: Chuck Pillon (b) (6)
To: tbur461@ecy.wa.gov <tbur461@ecy.wa.gov>
Sent: Tuesday, July 31, 2018 10:21:16 AM PDT
Subject: a meeting with you and Greg Stegman

Hello again Tom...

in our previous meeting I informed you of the conflict I faced because there was misunderstanding about the real findings/intentions of Greg Stegman and his colleagues regarding the water-test results from the 2016 visit to my property.

I further noted that Greg had frankly confirmed our original phone conversation that there "were no real problems" with those samples and that they "had no plans to return to my property" for any additional testing.

I further described the EMAIL EXCHANGE with Tracie Walters in which SHE THANKED ME FOR CLARIFICATION OF MY STORMWATER CONTROL SYSTEM...and accepted my invitation to return for further testing so that any question of the water quality anywhere around my property would be established as a baseline... since continuing development up the hill from my property might affect the water quality entering my property.

I say further Greg confirmed at the pre-trial meeting that he was aware of the exchange with Tracie and me. As did Ben Billick...who was also at the meeting. And that Scott Marlowe sat next to Greg.

The prosecution successfully prevented the Court from receiving this information and I was convicted of HARMING THE WATERS OF THE STATE.

As I said at our meeting I would never attempt to have an unwitnessed conversation with Greg...and my appeal attorney would set things in motion to talk with Greg officially.

now I am faced with an emergent situation and have been ordered back to Court to face more accusations from Scott Marlowe...the State prosecutor.

there is not time for me to wait on the formal inquiry process to present these facts to the Court.

I therefore request a meeting with you and Mr. Stegman...with our case investigator Shane Harrington...to get the facts effectively on the record. And I request that DOE observe the water flow across my property. This will demonstrate that the great majority of that flow originates upstream...and is not my responsibility. I asked Mr. Warren from DOE to make that observation on his recent visit and he refused.

I believe that DOE is obliged by the confirmed acknowledgement in the Tracie Walters Email exchange to take proper steps to correct the file. Tracie agreed (in the email) to return for additional testing "when the rains returned" that year which we concluded would be in October or November. That never happened because I was precipitously charged that August when it had to be clear to the prosecution that the test results were inaccurate and incomplete.

I believe as well that there are typically email exchanges between staff when such situations arise...so I ask that you review those records prior to the meeting I request.

Please let me know promptly when this meeting can take place. And I must emphasize that the matter has passed before the Court at trial...so the only issue as I see it is whether DOE has a responsibility to review and confirm acknowledged conflict...or misrepresentation by others...that resulted from official DOE actions.

Regards...Chuck Pilon...

Exhibit L

From: Chuck Pillon (b) (6)
Sent: Thursday, October 18, 2018 1:38 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; wheeler.andrew@epa.com
Subject: Re: EPA assessment and cleanup at your property

Kris...

let me say again...let's meet anywhere you want to resolve the testing regimen...EPA has no baseline for water testing for instance...EPA never did any sampling...it was all done by DOE and Tracie Walters confirmed in that now-"memorialized email" that those tests were erroneous...therefore it is my position that for EPA to try and piggy-back on those tests is unlawful"...I DONT THINK YOU ALL AT EPA GET IT...YOU CANNOT PREDICATE AN INTRUSIVE "FISHING-TRIP" TEST REGIMEN ON TESTS THAT ACTUALLY INDICATE THAT WATER QUALITY IS SOMEWHAT IMPROVED AS IT FLOWS THROUGH MY BIO-FILTRATION SYSTEM!

AND WHAT IS THE OTHER "PROPERTY YOU INTEND TO MOVE OR TAKE FROM MY LAND...AND ON WHAT BASIS???...IS IT THE COLLECTION OF VEHICLES AND OTHER AMERICANA THAT I HAVE GATHERED OVER THE PAST 30 YEARS OR SO???...HOW CAN EPA DISTURB THEM WHEN THE WSP LEFT THEM HERE AFTER THEIR "RAID???...AND AS FOR THE COMPOST???...I HAVE NOTED AN EPA BULLETIN ON THIS RECORD THAT STRONGLY ENDORSES COMPOSTING AS AN EXCELLENT IN SITU REMEDIAL METHOD...AND NOTE FURTHER THAT NO TESTING WAS EVER DONE ON THAT COMPOST BY DOE OR EPA IN SPITE OF THEIR UNFETTERED ADMITTANCE TO MY HOMESTEAD OVER THE LAST 2 1/2 YEARS...

with that lapse of time I believe you have to show cause to plunder my property...so let's meet...let's establish some agreed regimen of testing...and get on with it...

and I want you to note that I am henceforth going to copy these exchanges to Andy Wheeler...Chris Hladick...and the U.S. Attorney...you guys may succeed in ripping my world apart...but I aint gonna just surrender!

thanx again for your good humor...and be assured mine will never fail...regards

On Thursday, October 18, 2018 09:02:55 AM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Mr. Pillon-

I have received your emails dated October 15 and 16, 2018. As stated previously, EPA is considering its options to obtain legal access to your property, and I will be in touch with you later as that progresses.

In your email below, dated October 15, 2018, you stated that you wish to make a formal Freedom of Information Act information request. In order to make such a request, please go to the website <https://www.foia.gov/>. This website contains information about making requests, and also provides an online platform for you to submit an information request.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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From: Chuck Pillon (b) (6)
Sent: Tuesday, October 16, 2018 10:29 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Fw: EPA assessment and cleanup at your property

Hello...

I realize you are caught in the middle here as "the messenger" ...but I trust you can carry my response(s) to the right desk there at EPA too...

The email I sent you yesterday was actually written back on the sixth...I inadvertently left it unsent for the interim several days...I am still uncertain just what EPA intends...so I want to clarify some additional matters...

it was acknowledged at trial that I have long been a collector of American automotive and other mechanical memorabilia...this all resides on my utterly secluded property...and not EPA nor DOE has any basis to seize it...there is a clear 4th Amendment issue against "UNREASONABLE SEIZURE" HERE AND I INTEND TO PROTECT MY LAWFUL PROPERTY BY ALL LAWFULL MEANS...and as I noted the "clean-up" of any stated concerns of EPA or any other agency is done to the 90th degree...remember too that the soil tests Jeff Fowlow did were 2&1/2 years ago and that area has been "cleaned up"...

EPA statement that I cant complete the "clean-up" as a means to deny me the clearly stated first option in EPA policy is absolutely specious...the results speak for themselves...I am nearly done....AND THE REASON...YOU SAY...IS THAT THERE IS SOME RESTRAINT ON MY ACTIONS BY SOME OTHER COURT...failing to recognize that all that is under Appeal and thus in suspense...

further...over the years I have taken proven measures to arrest storm-water damage to the downhill areas from my property...both by intercepting that which flows onto (and damages) my property from uphill properties...and by creating a berm of compost that absorbs much of the rainfall that hits mine...this protects a State High Way...a newly restored salmon habitat area in a stream...not to forget the neighbors horse pasture and arena below...AND THERE IS A 1998 EPA PUBLICATION THAT EXTOLS THE VIRTUES OF SUCH MEASURES...BOTH TO ABSORB STORMWATER AND TO DIGEST MANY SOIL-TOXINS...I don't mean to burden you with too much here...but to the degree that you are uninformed about my situation I am going to add to your baseline sense of things here...all of which Jeff is aware of...

1. the actual area of soil testing Jeff did back in 2016 amounted to less that 1000 square feet...compare that to the total land area of 435,000 square feet...do the math...far less that one percent...and now 2&1/2 years ago...yet EPA intends to come in and begin a major destruction of my homestead???...Jeff has returned occasionally to "observe" the circumstances...always and only at the behest of the WA. AGs office...never at the request of WA. State DOE or any other

agency....and upon these visits he has confirmed that OWNER CLEAN-UP" IS THE PREFERRED POSITION OF THE EPA...

2. I have filed a lawsuit against the WA. AG and DOE in addition to the standard appeal in that other action...and you may note that DOE quickly defaulted to EPA in the matter of any further (soil or) water testing...and that is no accident...they don't want to dig a bigger hole for the agency since their own records indicate that I actually improve the water quality here...that action is 18-2-24755-1 KNT...remember too that I have insisted that EPA thus fulfill the DOE commitment to correct the DOE error in testing before any further such testing be done up here..(DO THAT AND I WILL LEAD THE PARADE FOR ANY AND ALL TESTING EPA MAY WISH TO DO UP HERE)...BUT UNDERSTAND THIS...EXCEPT FOR THE DRAINAGE I AM TALKING ABOUT THERE IS VIRTUALLY NO WATER TO TEST UP HERE BECAUSE MY COMPOST-MEDIUM ABSORBS ALL THE RAINFALL...MAYBE NOW YOU CAN UNDERSTAND MY POSITION...I AM NOT GOING TO LET EPA PIGGYBACK ON ERRONEOUS-DELIBERATELY-SUPPRESSED TEST RESULTS FROM DOE...

So again I propose that EPA suspend its current stated intention to invade my homestead and just run amuck...AND MEET WITH ME TO INTELLIGENTLY ASSESS THE SITUATION AND TAKE A PROPER COURSE TO DEAL WITH THE VERY MINIMAL "POLLUTION" THAT MAY REMAIN...

Since EPA has taken the position it has...I hope you will take the "Additional Measures" you mentioned in a Court of Law...and soon...I am tired of the continuing harassment...it is affecting my health...

I am further determined to press this matter because I recently heard the Acting Director of EPA...ANDY WHEELER...on local radio acknowledging that cases like this boil up from time to time...AND HIS DETERMINATION TO RESOLVE SUCH CONFLICTS...HERE IS OUR CHANCE!!!

P. S. ...I AM FWDing ALL THIS TO HIM FOR HIS ADVICE...we have a mutual friend...

regards...Chuck Pillon

----- Forwarded Message -----

From: Chuck Pilon (b) (6)

To: Leefers, Kristin <Leefers.Kristin@epa.gov>

Sent: Monday, October 15, 2018 01:51:25 PM PDT

Subject: Re: EPA assessment and cleanup at your property

Let's be clear...I don't deny access...in fact I invite EPA interest and more visitation/consultation to settle this business lawfully...if I were feeling contrary here I would state that EPA intends to violate my Fourth Amendment rights to the sanctity of my private property by invading and seizing without a proper Hearing...and by relying on "evidence"...(the DOE admitted erroneous water test data) while ignoring my repeated requests to come and clarify it before taking any adverse actions against my interests...

Kris...you are an attorney...representing the EPA....and I will not believe you dont see the significance here...

But in any event...confirm for me that whatever "other available options" are lawful ones...and consider this a formal FOIA request for all communications EPA has had with the WA. A.Gs. Office or the King County Prosecutor's Office regarding this matter...as well as all EPA intramural communications on the subject as well.

What the EPA should come to understand is that I was not intimidated by the unlawful specious "conditions" of restraint on my clean-up activity out here...I have continued the effort to restore my property...an effort I began well before trial

To that point with respect to the original EPA concerns which are well recorded by Jeff Fowlow...THOSE ARE 90% REMEDIATED BY NOW...and EPA is required to assess this and act accordingly...by continuing to assist and oversee this proper course...well identified in EPA policy documents...and as a clear function of the confirmation Jeff has extended me...in front of witnesses...even as recent as his last July visit...

think too about the statement of Jeff...before and during trial...on the record...THAT THERE IS/WAS NO IMMINENT DANGER ON MY PROPERTY...and that subsequently no action taken by EPA even to take further tests at my invitation...so clearly EPA must have some Court approved authorization to begin the "plunder" you indicate in this recent epistle...THIS IS CLEARLY A FOURTH AMENDMENT PROTECTION OF MINE...

So please...initiate some action in some Court or other...so we can proceed lawfully here...

regards...

On Friday, October 5, 2018 09:49:38 AM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Mr. Pillon-

EPA interprets your responses in your emails dated October 3 and 4, 2018 as a denial of consent for access. Thank you for your prompt reply to EPA's request for access. EPA is considering other available options and I will contact you in the near future regarding this matter.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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From: Chuck Pillon (b) (6)

Sent: Thursday, October 04, 2018 6:01 PM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: Re: EPA assessment and cleanup at your property

Hello again...

As I said before I am preparing a more comprehensive reply to you message here...but I note at the bottom that you state that you "may pursue other methods" to obtain [LEGAL] access to my property. This is very significant. I am all for {LEGAL} action here...and it may be that we can mutually set some process in motion that will provide an opportunity for both sides to STATE THEIR CASE TO A PROPER COURT...and insure that EVERYTHING ABOUT OUR INTERACTION IS [LEGAL]! you are aware that I intend to raise certain issues of Process and Fourth Amendment protections I am sure...so lets talk more about a Hearing on all these matters.

It would suit me if EPA initiates this...but I wont make it too easy for you. I wont sign that "SURRENDER FORM" YOU SENT ALONG AND JUST GIVE EPA OR ANY OTHER AGENCY PERMISSION TO JUST LAND HERE AND PLUNDER MY PLACE. But I have been abundantly clear both in word and deed that I am always here for realistic [LEGAL] interaction to properly settle this whole thing. That must begin with an equitable "assessment" and opportunity for me to contest you proposed measures before implementation. More to come on this point.

I urgently request you answer my question regarding the EPA stand on assuming the DOE commitment to correct their original testing mistakes. You must give your colleagues to understand that that isolated drainage will be the only water available for testing because...just as Tracie Walters of DOE noted...and demonstrated [de facto]...there just isn't any water flow on this land until the heavy rains later in the year when that system floods.

I say EPA cant have it both ways...if you use DOE data to facilitate an intrusion out here...since EPA has no previous test data of your own...you accept the responsibility to correct that data if EPA intends to use it in adversarial manner against my interests.

Finally...I have to say for the record here...EPA effort to use elements of the Court's actions from the earlier State case are unseemly...and I believe actionable. EPA MUST BE AWARE THAT THAT CASE IS ON APPEAL.AND...I REPEAT...ATTEMPTS TO USE ELEMENTS OF IT AS DURESS TO MAKE ME SURRENDER TO EPA DEMANDS IS IMPROPER.

Let us proceed then...responsibly...either find us a Court House...or return to the clean up on the basis that has me cooperating with EPA as we were before.

regards

On Wednesday, October 3, 2018 02:38:29 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

You have stated an interest multiple times in conducting this work yourself, rather than EPA conducting work on your property. EPA intends to conduct this work, as you are under court order that would prohibit you from completing the work. In particular, you "shall not remove from his [sic] property any solid waste or other materials...except via appropriately licensed waste disposal professionals and subject to any applicable waste characterization requirements" and you "shall not bury, relocate, manipulate or otherwise rearrange any solid waste currently on the property." (See Paras. 2 and 4, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) The work to be done requires the relocation and rearrangement of solid waste within the property, and disposal of such materials outside of the property. EPA has also noted that the court found you in violation of Paragraphs 2 and 4 of the Additional Conditions of Sentence (see Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018). EPA does not intend to be the impetus for any additional violations by you of those conditions by agreeing to you conducting the assessment and cleanup work on your property. Furthermore, the court ordered that "No further activity on the property are [sic] allowed by defendant." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

Therefore, EPA is seeking access to your property to conduct the planned assessment and cleanup work. I have attached a consent for access form for your review and signature. I will also note that you are under court order to cooperate with EPA's assessment and cleanup. Specifically, you "shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and

removal/destruction of any and all items determined to be a risk or potential risk to the environment." (See Para. 5, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) Additionally the court ordered, "The state, County and EPA are to have un-fettered access to the site w/o any further legal process." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018).

Please review the attached consent form and return it to me at my address listed below no later than October 17, 2018. If you do not return the attached access form with your signature by October 17, 2018, EPA will consider your failure to sign and return the form as a denial of consent for access and may pursue other methods to obtain legal access to your property.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

Exhibit M

From: Leefers, Kristin
Sent: Monday, October 29, 2018 4:12 PM
To: 'Chuck Pillon' (b) (6)
Subject: RE: EPA assessment and cleanup at your property

Mr. Pillon-

Thank you for that clarification.

Jeff Fowlow and I spoke today, and he is interested in conducting a brief walk through of your property with EPA contractors. No one from the state or county would be joining him. The purpose of conducting the walk through is to visually survey the area in light of proposed cleanup activities. Would you consent to access to your property for this purpose later this week? Jeff is interested in the visit on either October 31, November 1, or November 2. Please reply to me via email to let me know whether or not you would consent to this request.

Thank you,
Kris

Kris Leefers
Assistant Regional Counsel
Deputy Unit Dive Officer
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
M/S: ORC-113
Seattle, Washington 98101
206-553-1532
leefers.kristin@epa.gov

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From: Chuck Pillon (b) (6)
Sent: Tuesday, October 23, 2018 7:01 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Re: EPA assessment and cleanup at your property

No...I am handling this by myself...so please bring me up to speed asap...regards

On Tuesday, October 23, 2018 04:21:30 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Mr. Pillon-

I noticed that you cc-ed two attorneys on this most recent email you sent me. Are either of these attorneys representing you regarding EPA's request for access? I ask because I want to be sure I am communicating with the appropriate person. If you are represented by counsel in this matter, please let me know who your attorney is, and I will proceed to communicate with that attorney.

Thank you,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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From: Chuck Pillon (b) (6)

Sent: Monday, October 22, 2018 1:27 PM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>

Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Corey Parker <corey@coreyevanparkerlaw.com>; Harish Bharti <mail@hbharti.com>

Subject: Re: EPA assessment and cleanup at your property

Hello Again Kris....

As I noted recently I am proceeding to take this whole mess to the desk of Andy Wheeler...and Chris Hladick so to speed up the process. I realize the decision-making here is likely going to have to occur at upper EPA strata. But I do appreciate your good humor all along the way...and feel I should keep the record clear with you also.

I have read the 42 USC stuff...and I believe serious reconsideration is necessary at EPA...and I will get into that in a moment. However...you inform me that the primary reason you have belatedly decided to deny me continuing EPA cooperation in the provision for owner clean-up is based on certain Orders from a Court who earlier had jurisdiction over certain other aspects of this case...namely the criminal charges brought by certain agencies of the State of Washington. This was not an action brought by the U S EPA...and was not tried in a Federal Court. EPA has been a witness in that trial...but has no authority...either to enforce those Orders...or punish me for lawfully appealing those Orders.

Just FYI...I argue that those Orders are ipso facto unlawful. That Court convicted me of creating "IMMINENT DANGER" on my property. AND I MUST NOTE AGAIN...ALL THE WITNESSES AT TRIAL INFORMED THE COURT THAT THEY HAD IDENTIFIED NO SUCH FACTORS! THIS VERY CERTAINLY INCLUDED YOUR OWN JEFF FOWLOW...ON TWO RECORDED OCCASIONS. IN EFFECT I WAS CONVICTED OF A CRIME THE STATE'S WITNESSES SAID NEVER OCCURRED! This of course was matched by other "curious decisions" the Court made. Which of course all are under appeal.

The Court accepted my proposition that the EPA oversee the clean-up...which I had already begun under EPA guidelines. Then the Court ordered me NOT to continue to correct those conditions in the previously approved lawful manner that EPA describes. Clearly this is an unlawful order. All agencies that deal with environmental issues have clear provisions that any "IMMINENT DANGER" MUST BE PROMPTLY CLEANED-UP...UNDER ADDITIONAL PENALTY IF A RESPONSIBILITY FAILS TO DO SO. SO YOU SEE IT IS MY POSITION THAT IN ORDERING TO CEASE THE ONGOING CLEAN-UP I WAS CONDUCTING UNDER EPA GUIDELINES THAT COURT WAS ORDERING ME TO BREAK THE LAW! SHE CANNOT DO THAT! ACCORDINLY I HAVE CONTINUED THAT LAWFUL EFFORT...AND I HAVE A PLETHORA OF RECEIPTS AND WITNESS ACCOUNTS AVAILABLE WHEN THE ARE NEEDED. LATELY THE COURT HAS NOT BEEN TO BOTHERED WITH MY CLEAN-UP.

The ironic fact if she is again prompted by the prosecutor and calls a hearing...I will be relying on EPA procedural documents and more testimony from Jeff and perhaps others at EPA to carry my case. And this is additional reason I believe...that EPA should proceed carefully so as not to make the agency a party to future action. So you see that those "ORDERS" fall squarely in the regimen of my actions to contest the whole of the trial Court's curious findings and related actions. EPA should not intrude any further.

Now...as to the issues that USC 42 9604 Sec 104 raise let me offer the following. 104 says the EPA "can do certain things"..... to do the clean-up But in 106 it also says the EPA "CAN ORDER" OR "ASK A COURT TO ORDER" a "RESPONSIBLE PERSON" to do the clean-up...and so on.

Kris...I have been aware of this provision since shortly after "THE GREAT RAID" back in Feb 2016...(NEARLY THREE YEARS NOW)...and have proceeded accordingly...and I have discussed it with Jeff on at least three occasions in the interim. Jeff has never notified me that I do not qualify for this provision...nor ordered any other intervention by EPA. Now in the preliminary sense at least...I am well into the 80 percentile of the original concerns Jeff laid out.

I BELIEVE THEN...THAT THERE IS A DE FACTO EPA APPROVED CLEAN-UP ACTION IN CONTINUING PROGRESS...AND FOR EPA TO UNILATERALLY ABORT THIS APPROVAL WITHOUT A HEARING...IS A DUE PROCESS VIOLATION. SO I INVITE EPA AGAIN...LETS GO BACK TO THE PROPER COURSE HERE. YOU ARE WELL AWARE THAT I HAVE NEVER FAILED TO COOPERATE IN LEGITIMATE EPA CONCERNS...AND THAT WILL CONTINUE TO BE THE CASE...SO LONG AS EPA DOES NOT DRAG THIS MATTER ALONG TO AN IMPASSE.

Two final things...as you have "studied" those Court Orders...note that there was even there a provision for me to clean-up using appropriate means and waste disposal services. This is exactly what I did. The prosecution simply feared I would complete the effort before they were able to compound it to my further penalization. Marlow told me as much.

On Wednesday, October 3, 2018 02:38:29 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

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assessment and cleanup work on your property. Furthermore, the court ordered that "No further activity on the property are [sic] allowed by defendant." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

Therefore, EPA is seeking access to your property to conduct the planned assessment and cleanup work. I have attached a consent for access form for your review and signature. I will also note that you are under court order to cooperate with EPA's assessment and cleanup. Specifically, you "shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and removal/destruction of any and all items determined to be a risk or potential risk to the environment." (See Para. 5, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) Additionally the court ordered, "The state, County and EPA are to have un-fettered access to the site w/o any further legal process." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018).

Please review the attached consent form and return it to me at my address listed below no later than October 17, 2018. If you do not return the attached access form with your signature by October 17, 2018, EPA will consider your failure to sign and return the form as a denial of consent for access and may pursue other methods to obtain legal access to your property.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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Exhibit N

From: Chuck Pillon (b) (6)

Sent: Tuesday, October 30, 2018 11:24 AM

To: Wheeler, Andrew <wheeler.andrew@epa.gov>

Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>

Subject: Fw: EPA assessment and cleanup at your property

Hello Andy Wheeler...

Andy...I heard your comments on the Todd Herrman radio show out here in Seattle a few weeks back...and I took heart from them. I have a case with the District 10 folks here in Seattle.

Accordingly I am FWDing the email below because it illustrates the conflict I have with the Region 10 Staff...as you can see I have been informed that I will soon have to **host an intrusion** by EPA staff and selected **"contractors"** as a function of their decision that my place qualifies as a virtual **SUPER FUND SITE?** So I am ordered to discontinue the previously approved EPA defined clean-up...now 95% complete.

This brings me to the origination of this whole mess. I was convicted by the State of Washington last spring of some remarkable allegations of **"environmental misdeeds"**. Now note that I am a retired police officer...(Seattle PD 64-88). I have continued working in continuously for all the intervening years in my community when it comes to public and environmental safety here in this rural area. For years I have campaigned for improvements in river LWD projects...**closed the local drug-houses...dealt with highway safety crises...restored salmon-habitat...**and so on.

I am not offering this "self portrait" looking for any special treatment...but to balance the predictable stigma that attaches to any person who is **"convicted"** of environmental crimes. Note too that the **"great raid"** took place nearly three years ago. And no agency...including EPA...has previously taken any abatement action...in spite of the fact that none of them has ever been restricted from my property. I don't even have a gate.

Since that initial event...I have proceeded with clean-up under EPA policy with the knowledge of Jeff Fowlow...**JEFF POINTED OUT CERTAIN CONDITIONS THAT NEEDED REMEDIAL EFFORT...AND IN FACT IT IS 90 PLUS % FINISHED. NOW SUDDENLY...WITHOUT A HEARING AND ANY OTHER DUE PROCESS...INCLUDING A PROPER EVALUATION OF THE INITIAL EFFORTS...I AM TOLD OF AN IMPENDING INVASION TO DISTURB AND DESTROY MY PRIVATE PROPERTY.**

JEFF AND ALL OTHERS WILL CONFIRM THAT I HAVE ALWAYS WELCOMED THEIR "VISITS"...AND WE HAVE AGREED TO ADDITIONAL TESTING IF NECESSARY. BUT WHAT KRIS LEEFER NOW ORDERS IS NOT A REALISTIC EVALUATION...IT IS A DESTRUCTIVE...IRREVERSIBLE INVASION! **Kris does not cite any "EXIGENT CIRCUMSTANCES"**...because in fact there are none. It has been three whole years since EPA gathered the **limited "evidence"** they have. And the "evidence" about "water quality" they may cite from State agencies has recently been acknowledged as bogus by the State Atty General...in a "counter-suit" I have filed. In fact the **State testing illustrates that my STORM-WATER-SYSTEM actually improves water quality.**

The criminal case is under appeal...and thus even though Kris Leefers wants to cite "conditions" from the State Court as reason for denial of my right to finish the "clean-up" out here according to those EPA guidelines...**the fact is that the State Court imposed "conditions" are under Appeal...**and by the time they were imposed I was nearly done with clean-up of the EPA concerns in any event. So the State Court "conditions" are de-facto moot.

THE STATE PRESENTED SIX EXPERT WITNESSES...INCLUDING JEFF FOWLOW... from your District 10 staff, **AND ALL SIX TESTIFIED EMPHATICALLY THAT THERE WAS NO IMMINENT DANGER to anything up here. They just noted that I needed to do a little clean-up and some more testing might be in order.**

Andy I have investigated **"intrusions"** like these done by local County authorities out here...and have chronicled the kind of abuse that goes on in these what we call **PLUNDER PARTIES**. An agency descends on a property with **"contractors"** and the looting begins. In three related cases **I identified over \$ 250,000 in lawful property that was purloined under the pretense that it was environmentally harmful. So when I read the email from Kris the alarm bells went off. This looks to be my turn.**

Please know that I have had nothing but cordial interaction with Jeff Fowlow in the course of all this...including his candid direct testimony at Trial rejecting the "IMMINENT DANGER" contention by the State. But something has changed from that cooperative balance...I am told to relay all my concerns through Kris...and I have done so definitively. But we have

come to the situation as it now is...and suddenly I face this threat...and cant make Kris understand my concerns. I must say that Kris has also been considerate...and I don't think she is the "author" of this *misbegotten* "notification".

First I need to give you a little more perspective on the basis EPA has established here as a predicate for these threatened measures. I am sure your General Counsel will have some thoughts if it gets to his desk. You all will find it informative, That is going to require a sort of "second effort" on my part. That will promptly follow this note. Initially I simply appeal for a return to lawful process...order that a Hearing take place...and I will detail the essence of my legal concerns in advance. I am versed in Fourth Amendment law...and have reviewed the cases wherein EPA has faced similar challenges before. They should be considered here also.

THERE IS SOMETHING ELSE VERY SIGNIFICANT HERE IN WHAT KRIS HAS TO SAY. THE INITIAL "NOTIFICATION" STATED UNCONDITIONALLY "THE EPA WAS ON ITS WAY"...AND WOULD I PLEASE SIGN THE "CONSENT FORM AND RETURN IT. I REPEATED TO KRIS IN A REPLY EMAIL THAT EPA WAS ALWAYS WELCOME TO COME OUT AND INSPECT...BUT THAT I WOULD NOT SIGN A BLANK "SURRENDER DOCUMENT"!!!!

THEN KRIS WAS TO INFORM ME THAT THUS EPA WOULD HAVE TO "EXPLORE ITS OPTIONS" TO MAKE "LAWFUL ENTRY ONTO MY PROPERTY! THIS IS IMPLICIT/EXPLICIT ADMISSION THAT EPA KNEW IT HAD NO SUCH AUTHORITY... WHEN IT SENT ITS INTIMIDATING/ABUSIVE FIRST NOTIFICATION. THIS "INTIMIDATION EFFORT" IS UNBECOMING OF A PUBLIC AGENCY...AND IS IN FACT ACTIONABLE AS A FOURTEENTH AMENDMENT MATTER.

I am tired of TWISTING IN THE WIND out here. Please at least direct District 10 to inform me as to what these OPTIONS" are...and give me time to file for a TRO in the Federal Court if that is necessary.

Regards...Chuck Pillon

----- Forwarded Message -----

From: Leefers, Kristin <Leefers.Kristin@epa.gov>

To: (b) (6)

Sent: Wednesday, October 3, 2018 02:38:29 PM PDT

Subject: EPA assessment and cleanup at your property

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

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waste currently on the property.” (See Paras. 2 and 4, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) The work to be done requires the relocation and rearrangement of solid waste within the property, and disposal of such materials outside of the property. EPA has also noted that the court found you in violation of Paragraphs 2 and 4 of the Additional Conditions of Sentence (see Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018). EPA does not intend to be the impetus for any additional violations by you of those conditions by agreeing to you conducting the assessment and cleanup work on your property. Furthermore, the court ordered that “No further activity on the property are [sic] allowed by defendant.” (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

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Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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Exhibit O



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

OFFICE OF THE REGIONAL
ADMINISTRATOR

NOV - 6 2018

Mr. Charles Edwin Pillon
15753 Renton-Issaquah Road South East
Renton, Washington 98059

Dear Mr. Pillon:

Thank you for your October 30, 2018, electronic mail message which you sent to Acting Administrator Andrew Wheeler and me pertaining to the United States Environmental Protection Agency's planned time-critical assessment and cleanup of your property in Renton, Washington. We appreciate you taking the time to write to us about the contamination on your property. Acting Administrator Wheeler has asked that I respond to you on his behalf. While the EPA appreciates your concerns about the potential disturbance to you and your property, I assure you that the EPA will endeavor to exercise the utmost care when conducting its investigation and cleanup work.

There are areas of your property which warrant evaluation and cleanup by the EPA due to the presence of hazardous materials. The EPA considers these materials to present an imminent hazard, and our actions are intended to protect against exposures to you and others by these materials. The EPA understands your interest in wishing to perform aspects of the needed cleanup work but has not authorized you to do so as cleanup of these materials requires the skills and experience of the EPA in hazardous materials handling to ensure your and the public's safety. As such, the EPA views the safest and most prudent course of action to be an EPA-lead investigation and cleanup of the property. I am confident that the EPA's expertise in this area will provide a benefit to you and the public.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hladick", is written over the word "Sincerely,".

Chris Hladick
Regional Administrator

Exhibit P

From: Chuck Pillon
To: Mednick, Richard; Wheeler, Andrew; Hladick, Christopher; Leefers, Kristin
Subject: Re: EPA assessment and cleanup at your property
Date: Thursday, November 8, 2018 8:44:55 PM
Attachments: Pillon Final Response.pdf

Greetings...and now we continue...

So Chris...

I read your letter and I want to get something clear. for everyone's comfort and to keep us all on the same page...

I continue to respond to each of these communications for a couple of reasons...but I have no illusions by now that I am going to survive this whole drama without loosing at least a "pound of flesh" or two....

I have wrestled with these "runaway-regulatory-trains" in behalf of others out here for a lot of years...previously with State and local County agencies...but now somehow with you guys at the EPA...

Frankly I thought better of the EPA...especially with the candor and (I will say) encouragement from Jeff Fowlow...I do not suggest Jeff made me any promises but he was straightforward about the clean-up process that I invoke...and which I am nearly done with... based those conversations we had now nearly three years ago....and I say as a point of fact that since I made Jeff aware of my efforts clear back when...and he did not ever tell me that I should not proceed...THAT DE-FACTO I HAVE HAD EPA AUTHORIZATION TO CLEAN-UP...and based upon the factors that Jeff has pointed out to me on his previous visits...I AM ESSENTIALLY DONE...

Yes I do take time writing to EPA about "the contamination on my property"...but not in a penitent or submissive context...just as here again what I have been saying is that I am "on top of the problem" and I welcome an EPA inspection to confirm that...and at which time we can evaluate what other measures may be necessary...

but try as I may I cant get you guys to express and understanding of my effort and position and I keep running into your "BOILERPLATE NARRATIVE"...that (variously) there is some mysterious IMMINENT HAZARD out here that I and others must be protected from...this of course serves the purpose...(and I am sorry to have to be a little caustic here)...of THE BIG LIE SCHOOL of incrimination...you say these thing often enough and I think you began to believe them yourselves...BIT I STILL AINT GOING TO SIGN ANY "SURRENDER DOCUMENT(S)"...you will simply have to either meet me half way...or invade and rip my world apart....

I am going to play my "OLD COP CARD" again (and again if I must) and tell you that I believe both my Fourth And Fourteenth Amendment rights are threatened here...I am weary of pointing out your lack of real evidence for such things as TEST WELLS...and REMOVAL OF (WHATEVER?) IT IS YOU THINK YOU CAN JUST ARBITRARILY HAUL AWAY WITHOUT A HEARING AND SOME PROPER ORDER THAT I HAVE HAD AN OPPORTUNITY TO CONTEST...

again I am sorry to bluntly dispute your allegation that there is some sort of IMMINENT HAZARD that you may try to invoke to overwhelm me...BUT NOTE THIS AGAIN!!!JEFF AND ALL OTHER WITNESSES AT TRIAL EARLIER THIS YEAR STATED EMPHATICALLY THAT THEY HAD NOT IDENTIFIED AND SUCH CIRCUMSTANCES ON MY PROPERTY CLEAR BACK IN FEB 2016...and I have records and a host of witnesses that things have been substantially cleaned up since then...

so I have to ask...and I want a Hearing on all these factors...what evidence can EPA produce that there is any significant amount of so-called HAZARDOUS MATERIALS anywhere on my property?...and just what AREAS? are you referring to?...what the hell was the reference to asbestos all about?...how am I to know just who "evaluates" my broad collection of vehicles and machinery?

I am weary of some of my most conscientious environmental efforts being turned upside down by "misguided staffers"... that are not inclined to say anything good about me...look at the compost berms that absorb some millions of gallons of rainwater each year and help minimize erosion and siltation of a near-by salmon stream...

but enough right...I remain intent on cooperating with EPA...but it has to be done in due process...so there you have my repeat plea...lets get together and sort this all out before something destructive not only of my interests but the EPA's as well...

just to settle things a little for my family and I...are you going to provide me with a proper hearing before you invade??? at lest give mme a chance for a TRO if you are not...

regards...Chuck Pillon

On Thursday, November 8, 2018 03:50:46 PM PST, Mednick, Richard <Mednick.Richard@epa.gov> wrote:

Hello Mr. Pillon,

I am attaching a PDF of a letter that was mailed to you earlier this week by the Regional Administrator of EPA, Region 10.

EPA remains concerned about hazardous materials on your property and the potential for exposure to those materials. EPA also continues to consider an investigation and proper cleanup of those materials by EPA to be essential for the protection of persons and the environment. Reviewing your emails, I can see that you are not amenable to providing EPA with written consent to enter your property for the purpose of performing the investigation and cleanup work.

Richard

Richard Mednick

Associate Regional Counsel

Regional Judicial Officer

U.S. EPA I Region 10

1200 Sixth Avenue

Suite 155, M/S ORC-113

Seattle, WA 98102

(206) 553-1797

From: Chuck Pillon (b) (6)
Sent: Wednesday, November 7, 2018 12:53 PM
To: Mednick, Richard <Mednick.Richard@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Fw: EPA assessment and cleanup at your property

Hello Mr. Mednick...

I don't know what chance you have had to review any of the correspondence or files on my situation since you received it from Ms. Leefers...and to use the old bromide..."THE SUSPENSE IS KILLING ME"...

seriously...I am an old man and this all isn't doing my mental state any good...but I retain my determination to see this matter through to an equitable solution....and while I am determined to see due process here...I still feel that an objective review of the facts on the broad basis will set the matter to rest with little fuss for both myself...and your agency...

in the face of the prejudice and hysteria that naturally attaches to such a matter...both in the public mind via the media...and frankly in the minds of some in the agencies that are limited in both their environmental experience...and legal matters...I know I am facing an uphill battle...

without trying to argue the whole body of fact about my recycling...(I hope to do that in a more comprehensive setting with EPA)...I simply want to note a couple of the illustrative ironies here...first one is just the sort that originates around the inexperience and passion of young agency staff...

a young lady from King County Solid Waste was horrified by my pile of "OLD CARPETING" that amounts to no more than a couple of truckloads...she couldn't imagine any proper purpose for this "illegal solid waste" on my property...and of course it was added to my list of "unpardonable sins"...

but here is the fact,,,for about 30 yeqrs I have gathered such trash from our roadways out here...and put it to good use...placing mats of old carpet in areas where I want to suppress weed-growth...instead of using poisonous substances like "ROUNDUP" has enabled me to avoid dousing the environment with more than a 100plus gallons over the past 30 odd years...I doubt that the EPA or any other agency has an "ANNUAL AWARD" of any sort for such as me...but the fact is that this sort of situation at least be removed from my "sins list" don't you think??...

another case I will make is the issue of water degradation in the area of my land...WA. DOE did some testing back when...and botched the regimen of testing so that they actually tested water that invades my land from properties uphill above me...DOE promptly acknowledged this mistake in emails shortly after the results were in and I brought this to their attention...we agreed that re-testing was in order since their original results were from water flowing onto...not originating on my land....and DOE further informed me

that the water tested wasn't any big deal in any event...

this is all hard fact... increasingly at issue in a counter-suit I have brought against the STATE...this is the sort of information I believe needs refining before EPA simply acts on it precipitously and does me more harm...and I repeat here as I hope you have seen in my earlier correspondence....I AM ALL IN FOR PROPER TESTING ON MY LAND...but lets do it responsibly...

the last thing really vexes me...over all these years I have studiously and intelligently recycled on my land out here...one of my most satisfying efforts has been the storm-water-absorbing media I have created over these many years...these are simply big compost piles...and of course composting is very certainly an EPA approved approach to bio-remediation of both soils and water...in fact if you look at certain EPA papers circa 1998...you would think I authored a couple of them...

yet...because frustration drives too much of "environmental observation" in these agencies...a man's best efforts can be "criminalized"...as with my "pile of carpet"

so you can imagine my concern when first I was notified that EPA intended to start tearing into my compost pile(s) with no previous testing by any agency in hand...the thought of that kind of unwarranted intrusion is just horrendous...not to mention the "test wells" I was informed were going to be inflicted on me even as the DOE record shows I have actually safeguarded and somewhat improved the water quality out here...

So what I hope for is some short term clarification of EPA intentions for my situation....as I said I am tired of twisting in the wind...clearly there are no exigent circumstances here...and thus an unwarranted operation I believe would be unlawful...

I would appreciate any information you can provide me...and If you agree a meeting is in order...I will buy the coffee...

regards...chuck pillon

----- Forwarded Message -----

From: Leefers, Kristin <Leefers.Kristin@epa.gov>

To: Chuck Pillon (b) (6)

Cc: Mednick, Richard <Mednick.Richard@epa.gov>

Sent: Wednesday, October 31, 2018 03:09:05 PM PDT

Subject: RE: EPA assessment and cleanup at your property

Good Afternoon Mr. Pillon-

EPA does not intend to access your property on Nov. 5, as initially requested in early October. I have cc-ed Richard Mednick on this email. He is another attorney for EPA in Region 10. I will be out of the office for the next two weeks and Richard will be handling this matter in my absence.

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

From: Chuck Pillon (b) (6)
Sent: Wednesday, October 31, 2018 1:41 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Re: EPA assessment and cleanup at your property

Kris...

Who do I have to address my other questions too???...Has EPA some other action in mind???...is some Court action pending...Is EPA going to survey the drainage system as I ask...is EPA determined to use the erroneous DOE water data as a cover for some purpose or other???...What about the "invasion" on the fifth???...Seems you guys owe me some clarification...

regards

On Wednesday, October 31, 2018 12:15:26 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Thank you for your prompt response Mr. Pillon. As noted from your statement below, you do not grant consent for EPA access to your property this week for purposes of a site walk. I will inform Mr. Fowlow and EPA will not visit your property this week.

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

From: Chuck Pillon (b) (6)

Sent: Wednesday, October 31, 2018 11:46 AM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>

Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>

Subject: Fw: EPA assessment and cleanup at your property

Hello again Kris...

Ironical that I got your email request for "consent" for Jeff to visit my place again. I didn't see it until after I had sent my "yesterday" offering along. This email of yours suggests that EPA still plans to "invade" my place soon. Even after you see what I related in the yesterday email about the "plunder parties" I have investigated when Environmental agencies run amuck with their "contractors"? I will say more about this

in a moment. I don't know what interest I have generated at Andy Wheeler's level...but I will tell you one and all that reckless endeavors like this...minor as they may seem to some...are the genesis of much of the anger and contempt that the public feels.

I will say also that all of the environmental activities I have conducted are all highly promoted and commended both in Govt. literature and in the ranks of my community. I am going to send along for the record

The answer to the "request" must now be a continuing NO. And that will remain the answer until EPA responds to my request for a survey of the storm-water drainage on my property. EPA has done no water testing before out here...and clearly then seeks to rely on the 2016DOE testing results as a predicate for the forthcoming "invasion" to test the water again.

As I have repeated before...once this "drainage" is properly surveyed it will confirm that this water originates uphill from my land...and is conveyed across it in a manner that actually improves the quality to some degree.

Wa. State had this information well in advance of "my trial and conviction" ...but suppressed it in the trial. In an appeal and counter-lawsuit that I have filed... the State has had to de-facto admit this. So the question becomes for the EPA...do you continue to utilize this now discredited evidence...and reject the exculpatory aspects of this development...in an effort to impose unnecessary harmful measures on my person and estate?

Please note again...I am all for testing that water...once the flow system elements is corrected. But I cannot consent to continuation of a cynical effort to perpetuate the slander to my person and destruction of my property value. I am going to FWD an email from Tracie Walters that confirms what I am saying; and for the EPA record...more reports on the true nature of my efforts and the accounts of various friends...including public officials. I don't have any utopian hopes here...but the "truth" is always worth sowing.

With respect then...to the "soil testing". Look again at the actual record. Jeff came along on the questionable authority of a WSP warrant to search for evidence of an ILLEGAL WRECKING YARD...nearly three years ago in Feb. 2016. The EPA (Jeff?) was not an affiant in the request for this warrant. EPA and DOE and one other agency just came along on what is a increasingly a questionable basis. The Courts have increasingly required the applications for S/W include specificity based upon palpable evidence...not mere "related suspicions".

Consider this next: on a 435,000square foot land mass (10 acres)...EPA (Jeff) gathered "evidence of soil contamination" on a strip of roadway approx. 3 feet by 40 feet...(120 square feet.) He tested nine containers in and around a storage van that held flammable contents. He properly noted that there a significant number of other such containers around my property. Jeff also mentioned several barrels of unknown contents on a flatbed truck nearby. He declined to test those contents...but did take a photo or two. Jeff told me that day that the primary EPA concern was the possibility of harmful chemicals or solvents in the containers...not just the ones he sampled...but several others as well. Jeff and I discussed his concerns...I noted his suggestions...and with that...EPA left the premises.

While my "clean-up efforts began within days...I RECEIVED NO REPORT ON THE EPA TESTING FOR LITERALLY MONTHS. I FINALLY MADE CONTACT MYSELF VIA WA. DOE (email record).

Not only did I have to inquire for results...after several months...EPA took absolutely no other action. No S/W for additional evidence or remedial action...no abatement/clean-up threat that I have now received some three years later...and add to this Jeff's very candid testimony before and at trial..."THAT HE OBSERVED NOR RECORDED ANYTHING HE CONSIDERED "IMMINENT DANGER". Which he has never wavered from. Nor has he related anything in report or action now again for better than three months since he last "visited" out here in July!

This makes it clear that EPA does not contend that any EXIGENT CIRCUMSTANCES are at play in this recent threat to just invade my property without a requisite Hearing and Order from some Court! And as to the timing of all this...you cannot rely on outdated...especially clearly marginal..."evidence" to resume a search which was questionably launched on the shirttails of that three-year-old WSP S/W.

As I said I am going to add to this ongoing record in the interest of my personal reputation and integrity.

But the critical issue right now is for EPA to inform me of what "other authority" you have been exploring in order to "invade" out here....and what process you have followed...and why I may have been excluded. And with respect to any "contractors"...I request/insist you identify them before any EPA adventure they are involved in. I want to advise them of certain Fourth Amendment issues that they will be part of if they seize or damage any of my lawful property...and not to rely on any vague guidelines from EPA or any other party.

----- Forwarded Message -----

From: Chuck Pillon (b) (6)

To: wheeler.andrew@epa.gov <wheeler.andrew@epa.gov>

Cc: Christopher Hladick <hladick.christopher@epa.gov>; Kristin Leefers <leefers.kristin@epa.gov>; Jeffrey Fowlow <fowlow.jeffrey@epa.gov>

Sent: Tuesday, October 30, 2018 11:24:28 AM PDT

Subject: Fw: EPA assessment and cleanup at your property

Hello Andy Wheeler...

Andy...I heard your comments on the Todd Herrman radio show out here in Seattle a few weeks back...and I took heart from them. I have a case with the District 10 folks here in Seattle.

Accordingly I am FWDing the email below because it illustrates the conflict I have with the Region 10 Staff...as you can see I have been informed that I will soon have to **host an intrusion** by EPA staff and selected **"contractors"** as a function of their decision that my place qualifies as a virtual **SUPER FUND SITE?** So I am ordered to discontinue the previously approved EPA defined clean-up...now 95% complete.

This brings me to the origination of this whole mess. I was convicted by the State of Washington last spring of some remarkable allegations of **"environmental misdeeds"**. Now note that I am a retired police officer...(Seattle PD 64-88). I have continued working in continuously for all the intervening years in my community when it comes to public and environmental safety here in this rural area. For years I have campaigned for improvements in river LWD projects...**closed the local drug-houses...dealt with highway safety crises...restored salmon-habitat...**and so on.

I am not offering this "self portrait" looking for any special treatment...but to balance the predictable stigma that attaches to any person who is **"convicted"** of environmental crimes. Note too that the **"great raid"** took place nearly three years ago. And no agency...including EPA...has previously taken any abatement action...in spite of the fact that none of them has ever been restricted from my property. I don't even have a gate.

Since that initial event...I have proceeded with clean-up under EPA policy with the knowledge of Jeff Fowlow...**JEFF POINTED OUT CERTAIN CONDITIONS THAT NEEDED REMEDIAL EFFORT...AND IN FACT IT IS 90 PLUS % FINISHED. NOW SUDDENLY...WITHOUT A HEARING AND ANY OTHER DUE PROCESS...INCLUDING A PROPER EVALUATION OF THE INITIAL EFFORTS...I AM TOLD OF AN IMPENDING INVASION TO DISTURB AND DESTROY MY PRIVATE PROPERTY.**

JEFF AND ALL OTHERS WILL CONFIRM THAT I HAVE ALWAYS WELCOMED THEIR "VISITS"...AND WE HAVE AGREED TO ADDITIONAL TESTING IF NECESSARY. BUT WHAT KRIS LEEFER NOW ORDERS IS NOT A REALISTIC EVALUATION...IT IS A DESTRUCTIVE...IRREVERSIBLE INVASION! **Kris does not cite any "EXIGENT CIRCUMSTANCES"**...because in fact there are none. It has been three whole years since EPA gathered the **limited "evidence"** they have. And the "evidence" about "water quality" they may cite from State agencies has recently been acknowledged as bogus by the State Atty General...in a "counter-suit" I have filed. In fact the **State testing illustrates that my STORM-WATER-SYSTEM actually improves water quality.**

The criminal case is under appeal...and thus even though Kris Leefer wants to cite "conditions" from the State Court as reason for denial of my right to finish the "clean-up" out here according to those EPA guidelines...**the fact is that the State Court imposed "conditions" are under Appeal...**and by the time they were imposed I was nearly done with clean-up of the EPA concerns in any event. So the State Court "conditions" are de-facto moot.

THE STATE PRESENTED SIX EXPERT WITNESSES...INCLUDING JEFF FOWLOW... from your District 10 staff, AND **ALL SIX TESTIFIED EMPHATICALLY THAT THERE WAS NO IMMINENT DANGER to anything up here. They just noted that I needed to do a little clean-up and some more testing might be in order.**

Andy I have investigated "**intrusions**" like these done by local County authorities out here...and have chronicled the kind of abuse that goes on in these what we call **PLUNDER PARTIES**. An agency descends on a property with "**contractors**" and the looting begins. In three related cases **I identified over \$ 250,000 in lawful property that was purloined under the pretense that it was environmentally harmful. So when I read the email from Kris the alarm bells went off. This looks to be my turn.**

Please know that I have had nothing but cordial interaction with Jeff Fowlow in the course of all this...including his candid direct testimony at Trial rejecting the "IMMINENT DANGER contention by the State. But something has changed from that cooperative balance...I am told to relay all my concerns through Kris...and I have done so definitively. But we have come to the situation as it now is...and suddenly I face this threat...and cant make Kris understand my concerns. I must say that Kris has also been considerate...and I don't think she is the "author" of this **misbegotten "notification"**.

First I need to give you a little more perspective on the basis EPA has established here as a predicate for these threatened measures. I am sure your General Counsel will have some thoughts if it gets to his desk. You all will find it informative, That is going to require a sort of "second effort" on my part. That will promptly follow this note. Initially I simply appeal for a return to lawful process...order that a Hearing take place...and I will detail the essence of my legal concerns in advance. I am versed in Fourth Amendment law...and have reviewed the cases wherein EPA has faced similar challenges before. They should be considered here also.

THERE IS SOMETHING ELSE VERY SIGNIFICANT HERE IN WHAT KRIS HAS TO SAY. THE INITIAL "NOTIFICATION" STATED UNCONDITIONALLY "THE EPA WAS ON ITS WAY"...AND WOULD I PLEASE SIGN THE "CONSENT FORM AND RETURN IT. I REPEATED TO KRIS IN A REPLY EMAIL THAT EPA WAS ALWAYS WELCOME TO COME OUT AND INSPECT...BUT THAT I WOULD NOT SIGN A BLANK "SURRENDER DOCUMENT"!!!

THEN KRIS WAS TO INFORM ME THAT THUS EPA WOULD HAVE TO "**EXPLORE ITS OPTIONS**" TO MAKE "LAWFUL ENTRY ONTO MY PROPERTY! THIS IS IMPLICIT/EXPLICIT ADMISSION THAT **EPA KNEW IT HAD NO SUCH AUTHORITY... WHEN IT SENT ITS INTIMIDATING/ABUSIVE FIRST NOTIFICATION. THIS "INTIMIDATION EFFORT" IS UNBECOMING OF A PUBLIC AGENCY...AND IS IN FACT ACTIONABLE AS A FOURTEENTH AMENDMENT MATTER.**

I am tired of TWISTING IN THE WIND out here. Please at least direct District 10 to inform me as to what these **OPTIONS**" are...and give me time to file for a TRO in the Federal Court if that is necessary.

Regards...Chuck Pillon

----- Forwarded Message -----

From: Leefers, Kristin <Leefers.Kristin@epa.gov>

To: (b) (6)

Sent: Wednesday, October 3, 2018 02:38:29 PM PDT

Subject: EPA assessment and cleanup at your property

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

You have stated an interest multiple times in conducting this work yourself, rather than EPA conducting work on your property. EPA intends to conduct this work, as you are under court order that would prohibit you from completing the work. In particular, you "shall not remove from his [sic] property any solid waste or other materials...except via appropriately licensed waste disposal professionals and subject to any applicable waste characterization requirements" and you "shall not bury, relocate, manipulate or otherwise rearrange any solid waste currently on the property." (See Paras. 2 and 4, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.)

The work to be done requires the relocation and rearrangement of solid waste within the property, and disposal of such materials outside of the property. EPA has also noted that the court found you in violation of Paragraphs 2 and 4 of the Additional Conditions of Sentence (see Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018). EPA does not intend to be the impetus for any additional violations by you of those conditions by agreeing to you conducting the assessment and cleanup work on your property.

Furthermore, the court ordered that "No further activity on the property are [sic] allowed by defendant." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

Therefore, EPA is seeking access to your property to conduct the planned assessment and cleanup work. I have attached a consent for access form for your review and signature. I will also note that you are under court order to cooperate with EPA's assessment and cleanup. Specifically, you "shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and removal/destruction of any and all items determined to be a risk or potential risk to the environment." (See Para. 5, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) Additionally the court ordered, "The state, County and EPA are to have un-fettered access to the site w/o any further legal process." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018).

Please review the attached consent form and return it to me at my address listed below no later than October 17, 2018. If you do not return the attached access form with your signature by October 17, 2018, EPA will consider your failure to sign and return the form as a denial of consent for access and may pursue other methods to obtain legal access to your property.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

Exhibit Q

From: Chuck Pillon
To: Mednick, Richard; Mednick, Richard; Wheeler, Andrew; Leefers, Kristin
Subject: Re: EPA assessment and cleanup at your property
Date: Friday, November 9, 2018 1:51:37 PM
Attachments: Pillon Final Response.pdf

OK guys...I get it...the locator service EQM sent out was just here...and that means I am a "dead man" in terms of any hope for a proper Hearing on this matter...I cant muster enough fact...obviously...to counter the fiction that has been built up against me...and central to that fiction is that EPA posits that I am not capable of finishing the clean-up that Jeff outlined to me on three different occasions...never mind...as I have said repeatedly...it is effectively done...

nor is there enough seeming integrity at EPA to at least fully inform me as to the basis you think you have to drill holes in my ground and rip away my STORM-WATER-CONTROL SYSTEM...

Frankly Jeff I don't know what role you have played in all this...but I will tell you I THOUGHT BETTER OF YOU!...you others there at Dist 10 I realize are just caught in the rip-tide here...but no hard feelings to Jeff and all of you others...

AS MUCH AS I CAN DO NOW IS FILE THIS FOIA REQUEST...AND INCLUDE SAME UNDER WA. STATE PUBLIC DISCLOSURE LAW...FOR ALL FILES AND ANY MINUTES OF ANYMEETING THAT EPA CREATED OR SHARED WITH ANY/ALL OTHER AGENCIES IN THE PROCESS OF BRINGING THIS MATTER TO THE STATE WE ARE AT!

ANDY...THOUGH I DOUBBT THIS WILL GET CLEAR THROUGH TO YOU...I WILL SAY AS I DID TO JEFF...BASED ON YOUR HEARTENING COMMENTS ON THE RADIO AWHILE BACK...I THOUGHT THERE WAS SOME HOPE FOR MY DUE PROCESS RIGHTS...

FINALLY...LET ME JUST ILLUSTRATE WITH A LITTLE MORE FOCUS...THE CONCERNS I HAVE EXPRESSED TO EPA...

1. The really offensive element to me is the specious claim that there is anything TIME-CRITICAL about the forthcoming EPA Invasion here....this mess began nearly three years ago...and suddenly it is time critical??...

never once has EPA sought to refine its concerns to me in spite of constant requests and unfettered access to me and my property...this of course destroys my right to a proper Hearing...since you will claim EXIGENT CIRCUMSTANCES OBVIOUSLY and in any event the damage will be done if you continue to deny my request

2. EPA continues to claim that there are some "AREAS OF MY PROPERTY" WHICH WARRANT EPA INSPECTION AND "CLEAN-UP"...YET YOU HAVE CONTINUOUSLY REFUSED TO IDENTIFY THEM SO THAT I MIGHT HAVE THEM EVALUATED BY MY OWN CONSULTANTS...AND PREPARE A PLAN OF MY OWN...AS EPA POLICY ALLOWS...AND IN FACT CONSIDERS THE FIRST OPTION AS JEFF HAS TOLD ME TWICE...

3. AGAIN THE FICTION THAT EPA CONSIDERS THERE IS SOME IMMINENT HAZARD OUT HERE...How about it Jeff...have you changed your previous account(s)? including sworn testimony in a Court of Law?

4. EPA seeks to "protect me and others from all this hazard? Well how do you rationalize the long delay here if you believe... and can prove... such is the case. This whole ordeal begs question after question of this sort...but I don't expect EPA to be any more forthcoming now that the gallows is up.

5. Since the EPA has nev

er conducted any water testing out here it is clear that you rely on the WA.DOE tests which DOE has

admitted are erroneous...

So finally...for the record...I reject EPA's contention that there is any degree of danger or hazard out here that warrants the denial of my opportunity to finish the clean-up out here at my own hand and expense.

I WILL ADD TO MY PUBLIC DISCLOSURE REQUEST ALL RECORDS OF THE LAST TEN OWNER CLEAN-UPS IN DIST. 10 THAT EPA HAS ALLOWED...AND ANY REJECTED PROPOSAL IN THE LAST 5 YEARS.

Exhibit R

From: Chuck Pillon
To: Mednick, Richard; Wheeler, Andrew; Hladick, Christopher; Leefers, Kristin
Subject: Re: EPA assessment and cleanup at your property
Date: Monday, November 12, 2018 7:06:21 PM
Attachments: Pillon Final Response.pdf

Hello (again) Richard...

I got the hard copy in the mail from Hladick...BUT I HAVE RECEIVED NO NOTICE OF FINAL RULING OR WHATEVER EPA USES TO SET THE STAGE FOR THE "INVASION" YOU ALL MUST BE PLANNING...AND I KNOW YOU CANNOT LAWFULLY PROCEED WITHOUT SUCH NOTICE AND RELATED APPEAL(S) INFORMATION SENT TO ME...

I do intend to appeal so consider this preliminary formal notice...and send me the formal EPA Appeal protocol forms if such do exist...I have looked at the EPA website and it provides no clear guidelines except to declare that Appeals are certainly provided for...

I will also be sending a NOTICE OF INTENT TO SUE EPA along to the Office of General Counsel...I am not going to belabor that issue now...but I will give you one related notice here...

Some weeks back Kris sent me that UNWARRANTED NOTICE that without any appeal opportunity EPA was going to land on my property on November 5th and begin all sorts of activity whether I liked it or not apparently...

The email record from that time shows that I objected...(with some thoughtful observations about 4th and 14th Amendment issues)...and just as suddenly I got an (unsatisfactory vague) email that said little more than...

we are not coming on the 5th after all...and no further indication of what was in store for me...EXCEPT TO SAY THAT EPA WAS "EXPLORING OTHER OPTIONS!..." I requested information as to what those "options" might be and would it be a process that included me? I haven't heard a damn word...until this most recent repeat of that earlier threat...

then I find a couple of days ago some uninvited...unannounced crew sent apparently by QEM or someone to locate utility services...AND THEY TELL ME THAT QEM IS GOING TO BEGIN TEST-DRILLING ON MY PROPERTY SOMEDAY SOON...

I have initiated contact with QEM locally and they directed me to contact the national office...which I have done to notify them of my concerns...including a lawsuit they may be swept into...

I await your reply...but I am not going to let "contractors" onto my property without proper notice until I have been able to exercise my appeal rights...

Let me say finally...to whoever thinks they can declare "imminent danger" on my land to circumvent the appeal...it is a cowardly thing to do...Jeff Fowlow and all other State's witnesses testified emphatically in that earlier trial on this matter...THAT THERE WAS NO SUCH DANGER EVIDENT ON MY PROPERTY...AND I HAVE A CLEAR RECORD OF THE CLEAN-UP THAT HAS IMPROVED THINGS AS WELL...and you there at EPA know this...

Chuck Pillon

On Thursday, November 8, 2018 03:50:46 PM PST, Mednick, Richard <Mednick.Richard@epa.gov> wrote:

Hello Mr. Pillon,

I am attaching a PDF of a letter that was mailed to you earlier this week by the Regional Administrator of EPA, Region 10.

EPA remains concerned about hazardous materials on your property and the potential for exposure to those materials. EPA also continues to consider an investigation and proper cleanup of those materials by EPA to be essential for the protection of persons and the environment. Reviewing your emails, I can see that you are not amenable to providing EPA with written consent to enter your property for the purpose of performing the investigation and cleanup work.

Richard

Richard Mednick

Associate Regional Counsel

Regional Judicial Officer

U.S. EPA | Region 10

1200 Sixth Avenue

Suite 155, M/S ORC-113

Seattle, WA 98102

(206) 553-1797

From: Chuck Pillon (b) (6)

Sent: Wednesday, November 7, 2018 12:53 PM

To: Mednick, Richard <Mednick.Richard@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>

Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>

Subject: Fw: EPA assessment and cleanup at your property

Hello Mr. Mednick...

I don't know what chance you have had to review any of the correspondence or files on my situation since you received it from Ms. Leefers...and to use the old bromide..."THE SUSPENSE IS KILLING ME"...

seriously...I am an old man and this all isn't doing my mental state any good...but I retain my

determination to see this matter through to an equitable solution....and while I am determined to see due process here...I still feel that an objective review of the facts on the broad basis will set the matter to rest with little fuss for both myself...and your agency...

in the face of the prejudice and hysteria that naturally attaches to such a matter...both in the public mind via the media...and frankly in the minds of some in the agencies that are limited in both their environmental experience...and legal matters...I know I am facing an uphill battle...

without trying to argue the whole body of fact about my recycling...(I hope to do that in a more comprehensive setting with EPA)...I simply want to note a couple of the illustrative ironies here...first one is just the sort that originates around the inexperience and passion of young agency staff...

a young lady from King County Solid Waste was horrified by my pile of "OLD CARPETING" that amounts to no more than a couple of truckloads...she couldn't imagine any proper purpose for this "illegal solid waste" on my property...and of course it was added to my list of "unpardonable sins"...

but here is the fact,,,for about 30 yrs I have gathered such trash from our roadways out here...and put it to good use...placing mats of old carpet in areas where I want to suppress weed-growth...instead of using poisonous substances like "ROUNDUP" has enabled me to avoid dousing the environment with more than a 100plus gallons over the past 30 odd years...I doubt that the EPA or any other agency has an "ANNUAL AWARD" of any sort for such as me...but the fact is that this sort of situation at least be removed from my "sins list" don't you think??...

another case I will make is the issue of water degradation in the area of my land...WA. DOE did some testing back when...and botched the regimen of testing so that they actually tested water that invades my land from properties uphill above me...DOE promptly acknowledged this mistake in emails shortly after the results were in and I brought this to their attention...we agreed that re-testing was in order since their original results were from water flowing onto...not originating on my land....and DOE further informed me that the water tested wasn't any big deal in any event...

this is all hard fact... increasingly at issue in a counter-suit I have brought against the STATE...this is the sort of information I believe needs refining before EPA simply acts on it precipitously and does me more harm...and I repeat here as I hope you have seen in my earlier correspondence....I AM ALL IN FOR PROPER TESTING ON MY LAND...but lets do it responsibly...

the last thing really vexes me...over all these years I have studiously and intelligently recycled on my land out here...one of my most satisfying efforts has been the storm-water-absorbing media I have created over these many years...these are simply big compost piles...and of course composting is very certainly an EPA approved approach to bio-remediation of both soils and water...in fact if you look at certain EPA papers circa 1998...you would think I authored a couple of them...

yet...because frustration drives too much of "environmental observation" in these agencies...a man's best efforts can be "criminalized"...as with my "pile of carpet"

so you can imagine my concern when first I was notified that EPA intended to start tearing into my compost pile(s) with no previous testing by any agency in hand...the thought of that kind of unwarranted intrusion is just horrendous...not to mention the "test wells" I was informed were going to be inflicted on me even as the DOE record shows I have actually safeguarded and somewhat improved the water quality out here...

So what I hope for is some short term clarification of EPA intentions for my situation....as I said I am tired of twisting in the wind...clearly there are no exigent circumstances here...and thus an unwarranted operation I believe would be unlawful...

I would appreciate any information you can provide me...and If you agree a meeting is in order...I will buy the coffee...

regards...chuck pillon

----- Forwarded Message -----

From: Leefers, Kristin <Leefers.Kristin@epa.gov>

To: Chuck Pillon (b) (6)

Cc: Mednick, Richard <Mednick.Richard@epa.gov>

Sent: Wednesday, October 31, 2018 03:09:05 PM PDT

Subject: RE: EPA assessment and cleanup at your property

Good Afternoon Mr. Pillon-

EPA does not intend to access your property on Nov. 5, as initially requested in early October. I have cc-ed Richard Mednick on this email. He is another attorney for EPA in Region 10. I will be out of the office for the next two weeks and Richard will be handling this matter in my absence.

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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From: Chuck Pillon (b) (6)
Sent: Wednesday, October 31, 2018 1:41 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Re: EPA assessment and cleanup at your property

Kris...

Who do I have to address my other questions too???...Has EPA some other action in mind???...is some Court action pending...Is EPA going to survey the drainage system as I ask...is EPA determined to use the erroneous DOE water data as a cover for some purpose or other???...What about the "invasion" on the fifth???...Seems you guys owe me some clarification...

regards

On Wednesday, October 31, 2018 12:15:26 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Thank you for your prompt response Mr. Pillon. As noted from your statement below, you do not grant consent for EPA access to your property this week for purposes of a site walk. I will inform Mr. Fowlow and EPA will not visit your property this week.

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

From: Chuck Pillon (b) (6)
Sent: Wednesday, October 31, 2018 11:46 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Fw: EPA assessment and cleanup at your property

Hello again Kris...

Ironical that I got your email request for "consent" for Jeff to visit my place again. I didn't see it until after I had sent my "yesterday" offering along. This email of yours suggests that EPA still plans to "invade" my place soon. Even after you see what I related in the yesterday email about the "plunder parties" I have investigated when Environmental agencies run amuck with their "contractors"? I will say more about this in a moment. I don't know what interest I have generated at Andy Wheeler's level...but I will tell you one and all that reckless endeavors like this...minor as they may seem to some...are the genesis of much of the anger and contempt that the public feels.

I will say also that all of the environmental activities I have conducted are all highly promoted and commended both in Govt. literature and in the ranks of my community. I am going to send along for the record

The answer to the "request" must now be a continuing NO. And that will remain the answer until EPA responds to my request for a survey of the storm-water drainage on my property. EPA has done no water testing before out here...and clearly then seeks to rely on the 2016DOE testing results as a predicate for the forthcoming "invasion" to test the water again.

As I have repeated before...once this "drainage" is properly surveyed it will confirm that this water originates uphill from my land...and is conveyed across it in a manner that actually improves the quality to some degree.

Wa. State had this information well in advance of "my trial and conviction" ...but suppressed it in the trial. In an appeal and counter-lawsuit that I have filed... the State has had to de-facto admit this. So the question becomes for the EPA...do you continue to utilize this now discredited evidence...and reject the exculpatory aspects of this development...in an effort to impose unnecessary harmful measures on my person and estate?

Please note again...I am all for testing that water...once the flow system elements is corrected. But I cannot consent to continuation of a cynical effort to perpetuate the slander to my person and destruction of my property value. I am going to FWD an email from Tracie Walters that confirms what I am saying; and for the EPA record...more reports on the true nature of my efforts and the accounts of various friends...including public officials. I don't have any utopian hopes here...but the "truth" is always worth sowing.

With respect then...to the "soil testing". Look again at the actual record. Jeff came along on the questionable authority of a WSP warrant to search for evidence of an ILLEGAL WRECKING YARD...nearly three years ago in Feb. 2016. The EPA (Jeff?) was not an affiant in the request for this warrant. EPA and DOE and one other agency just came along on what is an increasingly questionable basis. The Courts have increasingly required the applications for S/W include specificity based upon palpable evidence...not mere "related suspicions".

Consider this next: on a 435,000square foot land mass (10 acres)...EPA (Jeff) gathered "evidence of soil contamination" on a strip of roadway approx. 3 feet by 40 feet...(120 square feet.) He tested nine containers in and around a storage van that held flammable contents. He properly noted that there a significant number of other such containers around my property. Jeff also mentioned several barrels of unknown contents on a flatbed truck nearby. He declined to test those contents...but did take a photo or two. Jeff told me that day that the primary EPA concern was the possibility of harmful chemicals or solvents in the containers...not just the ones he sampled...but several others as well. Jeff and I discussed his concerns...I noted his suggestions...and with that...EPA left the premises.

While my "clean-up efforts began within days...I RECEIVED NO REPORT ON THE EPA TESTING FOR LITERALLY MONTHS. I FINALLY MADE CONTACT MYSELF VIA WA. DOE (email record).

Not only did I have to inquire for results...after several months...EPA took absolutely no other action. No S/W for additional evidence or remedial action...no abatement/clean-up threat that I have now received some three years later...and add to this Jeff's very candid testimony before and at trial..."THAT HE OBSERVED NOR RECORDED ANYTHING HE CONSIDERED "IMMINENT DANGER". Which he has never wavered from. Nor has he related anything in report or action now again for better than three months since he last "visited" out here in July!

This makes it clear that EPA does not contend that any EXIGENT CIRCUMSTANCES are at play in this recent threat to just invade my property without a requisite Hearing and Order from some Court! And as to the timing of all this...you cannot rely on outdated...especially clearly marginal..."evidence" to resume a search which was questionably launched on the shittails of that three-year-old WSP S/W.

As I said I am going to add to this ongoing record in the interest of my personal reputation and integrity.

But the critical issue right now is for EPA to inform me of what "other authority" you have been exploring in order to "invade" out here....and what process you have followed...and why I may have been excluded. And with respect to any "contractors"....I request/insist you identify them before any EPA adventure they are involved in. I want to advise them of certain Fourth Amendment issues that they will be part of if they seize of damage any of my lawful property...and not to rely on any vague guidelines from EPA or any other party.

----- Forwarded Message -----

From: Chuck Pillon (b) (6)

To: wheeler.andrew@epa.gov <wheeler.andrew@epa.gov>

Cc: Christopher Hladick <hladick.christopher@epa.gov>; Kristin Leefers <leefers.kristin@epa.gov>; Jeffrey Fowlow <fowlow.jeffrey@epa.gov>

Sent: Tuesday, October 30, 2018 11:24:28 AM PDT

Subject: Fw: EPA assessment and cleanup at your property

Hello Andy Wheeler...

Andy...I heard your comments on the Todd Herrman radio show out here in Seattle a few weeks back...and I took heart from them. I have a case with the District 10 folks here in Seattle.

Accordingly I am FWDing the email below because it illustrates the conflict I have with the Region 10 Staff...as you can see I have been informed that I will soon have to **host an intrusion** by EPA staff and selected **"contractors"** as a function of their decision that my place qualifies as a virtual **SUPER FUND SITE?** So I am ordered to discontinue the previously approved EPA defined clean-up...now 95% complete.

This brings me to the origination of this whole mess. I was convicted by the State of Washington last spring of some remarkable allegations of **"environmental misdeeds"**. Now note that I am a retired police officer...(Seattle PD 64-88). I have continued working in continuously for all the intervening years in my community when it comes to public and environmental safety here in this rural area. For years I have campaigned for improvements in river LWD projects...**closed the local drug-houses...dealt with**

highway safety crises...restored salmon-habitat...and so on.

I am not offering this "self portrait" looking for any special treatment...but to balance the predictable stigma that attaches to any person who is "**convicted**" of environmental crimes. Note too that the "**great raid**" took place nearly three years ago. And no agency...including EPA...has previously taken any abatement action...in spite of the fact that none of them has ever been restricted from my property. I don't even have a gate.

Since that initial event...I have proceeded with clean-up under EPA policy with the knowledge of Jeff Fowlow...**JEFF POINTED OUT CERTAIN CONDITIONS THAT NEEDED REMEDIAL EFFORT...AND IN FACT IT IS 90 PLUS % FINISHED. NOW SUDDENLY...WITHOUT A HEARING AND ANY OTHER DUE PROCESS...INCLUDING A PROPER EVALUATION OF THE INITIAL EFFORTS...I AM TOLD OF AN IMPENDING INVASION TO DISTURB AND DESTROY MY PRIVATE PROPERTY.**

JEFF AND ALL OTHERS WILL CONFIRM THAT I HAVE ALWAYS WELCOMED THEIR "VISITS"...AND WE HAVE AGREED TO ADDITIONAL TESTING IF NECESSARY. BUT WHAT KRIS LEEFER NOW ORDERS IS NOT A REALISTIC EVALUATION...IT IS A DESTRUCTIVE...IRREVERSIBLE INVASION! **Kris does not cite any "EXIGENT CIRCUMSTANCES"**...because in fact there are none. It has been three whole years since EPA gathered the *limited "evidence"* they have. And the "evidence" about "water quality" they may cite from State agencies has recently been acknowledged as bogus by the State Atty General...in a "counter-suit" I have filed. In fact the **State testing illustrates that my STORM-WATER-SYSTEM actually improves water quality.**

The criminal case is under appeal...and thus even though Kris Leefer wants to cite "conditions" from the State Court as reason for denial of my right to finish the "clean-up" out here according to those EPA guidelines...**the fact is that the State Court imposed "conditions" are under Appeal...**and by the time they were imposed I was nearly done with clean-up of the EPA concerns in any event. So the State Court "conditions" are de-facto moot.

THE STATE PRESENTED SIX EXPERT WITNESSES...INCLUDING JEFF FOWLOW... from your District 10 staff, AND **ALL SIX TESTIFIED EMPHATICALLY THAT THERE WAS NO IMMINENT DANGER to anything up here. They just noted that I needed to do a little clean-up and some more testing might be in order.**

Andy I have investigated "**intrusions**" like these done by local County authorities out here...and have chronicled the kind of abuse that goes on in these what we call **PLUNDER PARTIES**. An agency descends on a property with "**contractors**" and the looting begins. In three related cases **I identified over \$ 250,000 in lawful property that was purloined under the pretense that it was environmentally harmful. So when I read the email from Kris the alarm bells went off. This looks to be my turn.**

Please know that I have had nothing but cordial interaction with Jeff Fowlow in the course of all this...including his candid direct testimony at Trial rejecting the "IMMINENT DANGER" contention by the State. But something has changed from that cooperative balance...I am told to relay all my concerns through Kris...and I have done so definitively. But we have come to the situation as it now is...and

suddenly I face this threat...and cant make Kris understand my concerns. I must say that Kris has also been considerate...and I don't think she is the "author" of this *misbegotten* "notification".

First I need to give you a little more perspective on the basis EPA has established here as a predicate for these threatened measures. I am sure your General Counsel will have some thoughts if it gets to his desk. You all will find it informative, That is going to require a sort of "second effort" on my part. That will promptly follow this note. Initially I simply appeal for a return to lawful process...order that a Hearing take place...and I will detail the essence of my legal concerns in advance. I am versed in Fourth Amendment law...and have reviewed the cases wherein EPA has faced similar challenges before. They should be considered here also.

THERE IS SOMETHING ELSE VERY SIGNIFICANT HERE IN WHAT KRIS HAS TO SAY. THE INITIAL "NOTIFICATION" STATED UNCONDITIONALLY "THE EPA WAS ON ITS WAY"...AND WOULD I PLEASE SIGN THE "CONSENT FORM AND RETURN IT. I REPEATED TO KRIS IN A REPLY EMAIL THAT EPA WAS ALWAYS WELCOME TO COME OUT AND INSPECT...BUT THAT I WOULD NOT SIGN A BLANK "SURRENDER DOCUMENT"!!!

THEN KRIS WAS TO INFORM ME THAT THUS EPA WOULD HAVE TO "EXPLORE ITS OPTIONS" TO MAKE "LAWFUL ENTRY ONTO MY PROPERTY! THIS IS IMPLICIT/EXPLICIT ADMISSION THAT EPA KNEW IT HAD NO SUCH AUTHORITY... WHEN IT SENT ITS INTIMIDATING/ABUSIVE FIRST NOTIFICATION. THIS "INTIMIDATION EFFORT" IS UNBECOMING OF A PUBLIC AGENCY...AND IS IN FACT ACTIONABLE AS A FOURTEENTH AMENDMENT MATTER.

I am tired of TWISTING IN THE WIND out here. Please at least direct District 10 to inform me as to what these OPTIONS" are...and give me time to file for a TRO in the Federal Court if that is necessary.

Regards...Chuck Pillon

----- Forwarded Message -----

From: Leefers, Kristin <Leefers.Kristin@epa.gov>

To: (b) (6)

Sent: Wednesday, October 3, 2018 02:38:29 PM PDT

Subject: EPA assessment and cleanup at your property

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

You have stated an interest multiple times in conducting this work yourself, rather than EPA conducting work on your property. EPA intends to conduct this work, as you are under court order that would prohibit you from completing the work. In particular, you "shall not remove from his [sic] property any solid waste or other materials...except via appropriately licensed waste disposal professionals and subject to any applicable waste characterization requirements" and you "shall not bury, relocate, manipulate or otherwise rearrange any solid waste currently on the property." (See Paras. 2 and 4, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pilon, No. 16-1-05983-6 KNT, dated June 15, 2018.)

The work to be done requires the relocation and rearrangement of solid waste within the property, and disposal of such materials outside of the property. EPA has also noted that the court found you in violation of Paragraphs 2 and 4 of the Additional Conditions of Sentence (see Order Modifying Sentence, State of Washington vs. Charles Edwin Pilon, No. 16-01-05983-6 KNT, dated August 17, 2018). EPA does not intend to be the impetus for any additional violations by you of those conditions by agreeing to you conducting the assessment and cleanup work on your property. Furthermore, the court ordered that "No further activity on the property are [sic] allowed by defendant." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pilon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

Therefore, EPA is seeking access to your property to conduct the planned assessment and cleanup work. I have attached a consent for access form for your review and signature. I will also note that you are under court order to cooperate with EPA's assessment and cleanup. Specifically, you "shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and removal/destruction of any and all items determined to be a risk or potential risk to the environment." (See Para. 5, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pilon, No. 16-1-05983-6 KNT, dated June 15, 2018.) Additionally the court ordered, "The state, County and EPA are to have un-fettered access to the

site w/o any further legal process." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018).

Please review the attached consent form and return it to me at my address listed below no later than October 17, 2018. If you do not return the attached access form with your signature by October 17, 2018, EPA will consider your failure to sign and return the form as a denial of consent for access and may pursue other methods to obtain legal access to your property.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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